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No. 7

## House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. FLEISCHMANN).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
January 11, 2017.

I hereby appoint the Honorable CHARLES J. FLEISCHMANN to act as Speaker pro tempore on this day.

PAUL D. RYAN,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2017, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

### AMERICA'S INFRASTRUCTURE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. QUIGLEY) for 5 minutes.

Mr. QUIGLEY. Mr. Speaker, a strong, safe, reliable, and efficient infrastructure system is vital for robust and sustained economic growth. Comprehensive infrastructure reform is all-inclusive and requires an ongoing investment by the Federal Government in not just our roads and bridges but in all of the vital systems that support our way of life.

Currently, the United States needs around \$3.6 trillion in infrastructure

investment by 2020, just to keep our country in a state of good repair. By contrast, China, perhaps our greatest international rival, spends nearly four times of its GDP on infrastructure than we do and announced nearly a trillion dollars more infrastructure spending just last year.

Put simply, our national infrastructure system is an embarrassment, earning a D-plus grade from the American Society of Civil Engineers. It is a threat to our economy, to American jobs, to our national security, and to our environment.

We need a public transportation system that gets people where they need to be, keeps our roads clear, and makes our cities better places to live. We need a freight system that moves products and raw materials quickly, safely, and efficiently. We need airways that reliably move people and cargo around the country and the world in a timely manner. We need river locks and ports that allow American farmers to ship their products to market, no matter where that is. We need water pipes and sewers that transport safe, clean water to every American. And we need to close the broadband gap so that every American can take advantage of the opportunities the Internet provides.

Investing in America's infrastructure is good politics, good economics, and the right thing to do. Each year, Americans take around 11 billion trips on public transportation systems like buses, commuter rail, and light rail, contributing to the \$58 billion industry that employs nearly half a million people. And yet, almost half of our Nation's buses and a quarter of our rail assets are in marginal or poor condition.

My city of Chicago is the crossroads for the Nation's freight system, and each day more than 54 million tons of freight is moved across the U.S., and nearly a quarter of it passes through the Chicago city limits—at times, very slowly.

We stand to lose \$1 trillion a year in lost sales in 2020, if we fail to build out our freight infrastructure to keep pace with future growth.

Congestion is also an issue at our Nation's airports. Ground delays are becoming a greater challenge as more and more people fly regularly. These delays can have a very serious consequence, resulting in passengers being late to their destinations, lost productivity from cargo sitting on runways, and increased pollution due to needlessly burning jet fuel.

In addition to air and ground, we must also talk about our waterways. Each year millions of tons of material traverse inland waterways like the Mississippi River and the Saint Lawrence Seaway. But, according to the Army Corps of Engineers, there is a billion dollar maintenance backlog that threatens to keep our waterways from maintaining adequate levels of performance.

There are problems in our water and sewer systems, too. The 240,000 water main breaks that occur in this country each year cost us more than \$2.6 billion; not to mention the lost productivity caused by closed roads, lost water, and other indirect impacts. Nearly all of the U.S. underground water pipes will reach or surpass their useful lifespans in the next decade. The longer we wait, the higher the price tag will become.

Finally, we can use our infrastructure system to promote economic growth and economic equality, and one great way to do that is to close the broadband gap and increase access to high-speed Internet. As many as 50 million Americans live in areas without the ability to get high-quality and useful Internet access. Extending the ability to get online benefits businesses, employees, students, and everyone else without this vital utility, all while spurring economic activities that ripple throughout the economy.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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The benefits of smart investment and infrastructure are massive. Every billion spent in infrastructure creates 13,000 jobs, in addition to improving the efficiency of the system. And every dollar invested generates almost \$3 in economic activity.

Conversely, the consequences of failing to act are dire. Each American household stands to lose \$3,400 per year in disposable income thanks to infrastructure deficiencies. That is money taken directly from our constituents' pockets, money they would use to support themselves and their families, not to mention the economy as a whole, which could lose more than \$4 trillion in GDP and more than 2.5 million jobs by 2025.

We owe it to each other and every one of our constituents to act. I urge the 115th Congress to prioritize infrastructure spending and pass a comprehensive package that addresses all aspects of the connected infrastructure system.

#### WE MUST STAND WITH FREEDOM-LOVING NATIONS AROUND THE WORLD

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. KINZINGER) for 5 minutes.

Mr. KINZINGER. Mr. Speaker, I was reflecting the other day. Last week, we all joined together in this Chamber, we held up our right hand, and we swore an oath to protect and defend the Constitution against all enemies, foreign and domestic.

That is an oath I have taken both as a Member of Congress—now on my fourth term—and as a military pilot, something similar to that, talking about the importance of the military to protect and defend the Constitution. In both of these roles, I have seen firsthand the sacrifice that men and women of the military have been willing to make to defend their freedoms, to defend the Constitution, defend the country.

This last month was especially tough for our Nation's security and for our foreign policy. The 8-year decline of American global leadership, under the President, came to a head. A sad trend built by the Obama administration continued as the White House worked with our enemies and abandoned our friends.

For one, the recent ceasefire in Syria was reached without United States' input, ultimately empowering tyrants in Iran and in Russia. In fact, to think about the situation in Syria, I want to remind people there are half a million dead Syrians right now, innocent civilians. And I have heard people say, completely incorrectly, that it doesn't matter; they are all basically terrorists. Untrue. But let's say it is.

There are 50,000 children in Syria that did not get an opportunity to go be a teacher or a police officer or a firefighter or a doctor because of tyrants in Iran, because of Bashar al-

Assad and because of Russia empowering them and using precision-guided munitions to hit innocent civilians and take their life away.

Last week, the U.S. abstained from a vote in the United Nations Security Council on the biased resolution targeting our ally Israel.

Mr. Speaker, rather than turning on freedom-loving nations around the world, we must stand with them. Nowhere is this more important than in the fight against terrorism.

Before the holidays, a list went out from ISIS accounts with the names of churches in the United States that should be attacked over the holidays. Then, an attack in Berlin took the lives of 12 innocent civilians and injured more than 50 in a Christmas market. On New Year's Eve, there was a savage attack at a nightclub in Istanbul, killing 39 revelers and injuring dozens.

Both attacks were claimed by ISIS seeking to strike fear into freedom-loving people around the world. While we all must remain vigilant, we cannot give in to that fear, and we must continue to live our lives.

What we need right now, Mr. Speaker, is a renewed American moment, renewed American leadership after 8 years of decline. We need a Churchill moment. I think about Winston Churchill after the bombs rained down in London, and instead of hiding and cowering and talking about how terrible it is, he goes out on the streets, rallies the people, and says that you cannot shatter us. And the people unite behind him.

It is time for America to exhibit the same kind of leadership exhibited by George W. Bush in the bullhorn speech after the fall of the World Trade Center. He showed Americans unity, strength, resolve, and he reminded the world that our foundations will not be shaken even if you shake the foundations of our biggest buildings. And you can shatter our steel, but you can't shatter the steel of American resolve. I haven't heard speeches like that in quite a while from the oval office.

Mr. Speaker, it has been a rough election cycle for our country. It has been a tough, very divisive, and difficult time, but now it is time to come together. We are going to have our partisan differences and battles, and that is fine. That is what we are out here for.

But, Mr. Speaker, America needs to remember our mission, our God-given mission. I believe that is to be an example of self-governance to billions of people that don't have what we have, but are desperate for it.

We used that kind of leadership in the cold war as millions lived behind the Iron Curtain and saw what freedom could be. And there are iron curtains that exist today; terrorism, strongmen, a resurgent Russia—an iron curtain of soft expectations and low expectations of people.

For the last 8 years, we failed to articulate that mission. Mr. Speaker, we

are a nation in need of remembering that mission, and it is my sincere hope that this will change very soon.

#### IMMIGRATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. GUTIÉRREZ) for 5 minutes.

Mr. GUTIÉRREZ. Mr. Speaker, as I have said before, we hope for the best from the new President, but we must prepare for the worst.

Everyone who has looked at the record of the key advisers to President-elect Trump on the issue of immigration has reason for very deep concern that the new President is going to follow the advice of some of the most extreme voices in the immigration debate.

As for the new President himself, he is a bit of an unknown because he changes his mind on key issues just as quickly as his Twitter feed refreshes. He says he has a plan for this and a plan for that, but they are secret plans, and, as far as we know, they are even secrets to him.

He knows more about computers and the Internet, ISIS and terrorists, Russia and NATO than all of the policy experts put together, and he thinks of himself as kind of the ultimate Presidential adviser to the new President.

But it is Trump's lieutenants who worry most of us. They are the most clearly ideological and dangerous set of leaders ever assembled in American Government on immigration and any number of issues we care about.

They are vindictive when it comes to our immigrant community. The truth is that among the new President key advisers are some of the staunchest opponents of legal immigration. They are against legal immigration. That is right.

While we all oppose illegal immigration, and some of us have been working for years to upgrade the American system so that immigrants come with visas instead of smugglers, the people with access to the Presidency disagree, and they don't want immigrants to come here at all from anywhere.

Look, we have made legal immigration extremely difficult for everyone and simply impossible for most people. And then we have been relying on deportation, walls, enforcement, and curtailing due process rights for immigrants, and that constitutes their immigration control strategy for the past 25 years. And it hasn't worked for 25 years.

But the American people want a humane, sustainable, secure, and effective legal immigration system and a way for people who already live and work here peacefully in America to be able to do so within the law.

So, Mr. Speaker, this is why I will join a few thousand allies here in Washington this Saturday at the historic Metropolitan AME Church on M Street to send a clear message that immigrants and their allies are standing up for immigrant communities.

And check out the Web site. The D.C. rally will be one of more than 50 public actions and marches across America on or about this Saturday the 14th, where leaders of the immigrant rights' movement will stand alongside elected officials, faith, labor, education, and LGBTQ leaders to say: we will not allow mass deportation or immigrant roundups on our watch.

□ 1015

That we do not want endless delays that keep families waiting 10, 15, 20 years for a visa. That we don't want people to have to choose between 10 years in exile or the green card for which they qualify under U.S. law because our laws have been crafted to punish people by keeping them in an undocumented status even when they can apply to be here legally. That we are committed to defending immigrant communities if and when the new President and his henchmen develop Muslim registries or neighborhood sweeps or mass roundups disguised as "fugitive sweeps."

We will fight attempts to criminalize immigrants and fight attempts to take away documents from people who are now in the system and working on the books, like the 750,000 young people who signed up for DACA. With the BRIDGE Act, we will fight so that DREAMers are protected from deportation and can lead the fight for millions and millions of other immigrants who have no options under our current law.

Let's just be clear, 76 percent of Latinos in this country are citizens of the United States. So three-quarters of us can vote or will soon be able to vote. And for Latinos under 18, the percentage of Latinos who are U.S. citizens is 93 percent. So don't think you can deport us into silence.

Don't think that deporting everyone and eliminating legal immigration, as some in the new President's circle may fantasize, will suddenly make Brown people disappear from America. We are here and we are joined by allies of every color, shape, national origin and segment of society. We are men, we are women, we are children, we are straight, we are gay and trans, rich and poor, old and young, and everything in between; and we are locking arms with all of our allies to say that when you come for any of us, we will force you to come for all of us. We are here to stay and we stand together.

I ask all of those interested to please go to the Web site, [www.togetherforimmigrants.com](http://www.togetherforimmigrants.com). Join us this Saturday.

#### HONORING JUDGE ALLI B. MAJEED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. POSEY) for 5 minutes.

Mr. POSEY. Mr. Speaker, on a brighter, more positive, and non-partisan side this morning, it is an honor and a pleasure to recognize the lifetime achievements of my longtime

friend and a true patriotic citizen, Judge Alli B. Majeed, who has just retired after 24 years of service on the bench.

He was the longest serving county judge in the 18th Judicial Circuit. That includes Florida's Brevard and Seminole Counties. Judge Majeed, or A.B. as many of us know him, was born in the former British colony of Guyana, South America, to parents who were descendants of indentured servants from India.

Having grown up in a small village, his family didn't have much, and they worked hard for what little they did have. A.B. cherished the opportunity to attend and graduate from high school.

In 1969, he came to the United States on a student visa. He was Phi Beta Kappa and graduated magna cum laude from Howard University here in Washington, D.C. In 1975, A.B. graduated from the Catholic University of America's Columbus Law School.

Alli became a U.S. citizen on November 16, 1979, and began his legal career working as an attorney and supervisor at Community Legal Services in Philadelphia, where he served the needy and indigent clients. He went on to work as a criminal attorney, assistant public defender, and assistant State attorney.

I knew A.B. before he was appointed as a county judge in 1993 by then-Governor Lawton Chiles to fill a vacancy and was subsequently reelected to new terms unopposed all but one time. Once on the bench, Judge Majeed became known as a competent and respected judge.

He also became well known for his motivational and educational talks about the importance of jury duty to groups of new jurors, many of whom show up disenchanted about being selected to serve. As someone who has been a juror and has heard his talk firsthand more than once, I can promise you that it is extraordinary. No one in my pool of jurors looked forward to being called for jury duty, but after Judge Majeed's patriotic, uplifting, and inspiring lesson, everyone became enthusiastic about the opportunity to serve.

"We take an oath to obey, preserve, and protect the Constitution of the United States of America," said Judge Majeed.

To the Majeed family, this oath is serious business. He has three nephews who have served in our Nation's Armed Forces: Steve Majeed, U.S. Navy; Rick Majeed, United States Air Force; and Omar Majeed, United States Marines.

"I love this country," he said. "We believe deeply in it."

In his letter of resignation to the chief justice of the State of Florida, Judge Majeed penned these words: "I am beholden to the United States of America who opened her doors to me as a twenty two year old, on a student visa. She allowed me to dream the impossible dream, then showed me the way to make those dreams come true.

"Serving the public, interacting with the Bar, and my many judicial col-

leagues have left me with a sense of accomplishment beyond my loftiest dreams.

"As I tender my resignation my heart is filled with great joy of twenty four years of judicial distance well run. With credit to President Lincoln, I go forth from this place with malice towards none and charity towards all."

Judge Majeed was elected president of all of the county judges in the State of Florida. He has dedicated much of his noncourtroom hours to civic activities motivating and educating the public on the virtues of the United States Constitution and our democratic Republic.

Alli Majeed is the father of three daughters and one son. His wife, Yasmin Majeed, is very active in community and charitable causes throughout our community. I ask my colleagues to join me in saluting Judge Alli Majeed's achievements, his service to our community, and his commitment to our country.

#### PLAYING POLITICS WITH HEALTH CARE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from New York (Ms. VELÁZQUEZ) for 5 minutes.

Ms. VELÁZQUEZ. Mr. Speaker, House Republicans are playing politics with millions of Americans' health care. In fact, if Republicans go forward with their plan to chaotically dismantle the Affordable Care Act, 30 million Americans will lose health insurance. In New York State alone, 1.6 million of our neighbors, who gained coverage through ACA, will see their health insurance taken away; and 2.7 million New Yorkers who have enrolled in Medicaid could lose coverage.

But let us remember that this is not just about New Yorkers. In fact, the sad irony is that many of the Americans who will lose and be most devastated by repeal of this law are in red States and counties, the places that voted for President-elect Trump. Those areas have high numbers of Americans on the Medicaid rolls. Already, States like Idaho, Nebraska, South Dakota, and Georgia are putting Medicaid expansion on hold, waiting to see how action on the ACA plays out. That means half a million Americans will have to wait for health benefits.

But let's keep in mind that this is not just about Medicaid and it is not just about those who obtained coverage through the exchanges. What we need to remember is that all the elements of healthcare reform work together. If you start chipping away at one part of the system, you will see disasters in other parts of the market.

This is about the young person, just out of college, who can stay on their parents' insurance until they are 26, giving them time to secure employment and coverage on their own. It is about patients with a preexisting condition who, until the ACA, were barred

from securing quality medical insurance. It is about women who have, time and again, faced gender discrimination in the insurance market.

Just this past Saturday, New Yorkers in my district rallied together to oppose Republican plans to roll back the ACA and make America sick again. We heard from our local hospitals and healthcare providers who talked about how they will be affected by a dramatic surge in charity care. Nationally, healthcare providers could get stuck with \$88 billion in 2019 alone and \$1.1 trillion from 2019 to 2028 in uncompensated care. This will strain resources and make it harder for them to provide care to all their patients.

And we heard from ordinary working people who have benefited from the ACA, people like Juana Alvarez, who was able, for the first time, to secure coverage for herself and her family through this law. We heard from Susan Maples, who told us she would not have been able to start her own business without the health benefits afforded under ACA. These are the people Republicans are planning to harm with their irresponsible, chaotic, and destructive attack on our health system.

Now, let me also note this: The Republican slogan “repeal and replace” is a sham.

What are they going to replace the ACA with?

They have never—not once—put together a realistic, defensible plan to replace the ACA. The Republican plan is not repeal and replace. It should be called “repeal and displace” because it will mean displacing millions of Americans from their health coverage.

So let’s be clear. If you are voting to take away the ACA, you are voting to take away health care from millions. And for those who do retain their employer-based coverage, you are voting to increase their premiums, as millions of healthy Americans are taken out of the insurance pool. This is a recipe for disaster. It is a plan to make America sick again, and it cannot stand.

I urge my colleagues to think about what you are doing. Think about going home and looking in the eyes of your constituents and telling them you voted to take away their health coverage. Enough playing politics with health care.

#### TIME TO GET SERIOUS ABOUT A BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. Mr. Speaker, in the last 8 years, our Nation’s debt has doubled. That means that the Obama administration has borrowed as much in just 8 years as our government borrowed in the 220 years between the first day of the George Washington administration and the last day of the George W. Bush administration.

Our interest costs are now eating us alive. Last year the Congressional

Budget Office warned that within 6 years on our current trajectory, interest payments on the debt will exceed what we now spend for our entire defense budget.

Before we can provide for the common defense and promote the general welfare, we have to be able to pay for it, and our massive debt directly threatens our ability to do so. History warns us that nations that bankrupt themselves aren’t around very long.

I am confident that the new administration clearly understands the peril this poses to our country. The nomination of MICK MULVANEY to head the Office of Management and Budget is a powerful signal that this danger will soon be addressed aggressively and effectively.

This debt is our generation’s doing. It is our generation’s responsibility to set right. When we do so, we will need to leave behind the mechanisms to assure that reckless borrowing never threatens our government again. For this reason, last week I introduced a proposal for a balanced budget amendment to the Constitution, H.J. Res. 12.

The beauty of the American Constitution is in its simplicity and its humility. The American Founders recognized Cicero’s wisdom that the best laws are the simplest ones, and they humbly realized they couldn’t possibly foresee the circumstances and conditions that might confront future generations. They resisted the temptation to micromanage every decision that might be made in the centuries to come. Instead, they set forth general principles of governance and erected a structure in which human nature itself would naturally guide future decisions to comport with these principles.

In crafting a balanced budget amendment, we need to maintain these qualities. We should not attempt to tell future generations specifically how they should manage their revenues and expenditures in times that we cannot foresee or comprehend. The experience of many States that operate under their own balanced budget amendments tells us that the more complicated and convoluted such strictures become, the more they are circumvented and manipulated.

In 1798, Thomas Jefferson wrote this observation to John Taylor: “I wish it were possible to obtain a single amendment to our Constitution. I would be willing to depend on that alone for the reduction of the administration of our government to the genuine principles of its Constitution; I mean an additional article taking from the federal government the power of borrowing.”

What is a balanced budget? It is simply a budget that doesn’t require us to borrow. So why don’t we just say so, as Jefferson did?

Instead of trying to define fiscal years, outlays, expenditures, revenues, emergencies, contingencies, triggers, sequestrations, and on and on, I would hope we would consider 27 simple words: “The United States Government

may not increase its debt except for a specific purpose by law adopted by three-fourths of the membership of both Houses of Congress.” That is it.

□ 1030

Such an amendment, taking effect 10 years from ratification, would give the government time to put its affairs in order and thereafter, naturally, require future Congresses to maintain both a balanced budget and a prudent reserve to accommodate fluctuations of revenues and routine contingencies.

It trusts that three-fourths of Congress will be able to recognize a genuine emergency when it sees one and that one-fourth of Congress will be strong enough to resist borrowing for trivial reasons. The States’ experience warns us that a two-thirds vote is insufficient to protect against profligacy.

Some advocate going much farther and establishing limitations on spending and taxation as well, but prohibiting borrowing sets a natural limit to the limits of the people to tolerate taxation and, therefore, spending. The real danger is when runaway spending is accommodated by borrowing—a hidden future tax. The best and most effective way to invoke that natural limit is a simple prohibition.

In drafting an amendment to guide not only this generation but all those to follow, I would hope that we would do as the Constitutional Convention would have done if it had the benefit of Jefferson’s wise counsel: set down the general principle only and allow future generations, with their own insight into their own challenges, to put it to practical effect.

#### HONORING FNS UNDERSECRETARY KEVIN CONCANNON

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN) for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, I rise today to pay tribute to the incredible work of Kevin Concannon, Under Secretary for Food, Nutrition and Consumer Services at the United States Department of Agriculture.

Kevin’s dedication to public service is admirable. Throughout his distinguished career, Kevin has not only served in Federal Government, but he also led Health and Human Services departments in his home State of Maine and in Oregon and in Iowa. Kevin also helped to advance our knowledge of social policy as a graduate professor at several universities across our country.

Since 2009, Kevin has capably led FNS, the division of USDA responsible for administering and overseeing SNAP, the National School Breakfast and Lunch Programs, the Summer Food Service Program, WIC, The Emergency Food Assistance Program, and several other nutrition programs.

Under Kevin’s leadership, we have made significant progress in ensuring our most vulnerable neighbors have

healthy options to feed their families. He helped to spur a dramatic increase in the number of farmers markets accepting EBT cards, thereby allowing SNAP recipients greater access to fruits and vegetables while also supporting local farmers. He also oversaw the creation of USDA's Farm to School Program, an effort focused on incorporating local foods in our school meal programs.

During his tenure, we enacted the Healthy, Hunger-Free Kids Act, legislation that, for the first time in over 30 years, made much-needed improvements and increased access to our school meal programs.

Kevin oversaw our Nation's premier antihunger program, SNAP, as it provided millions of our neighbors with food assistance during the height of the Great Recession and the recovery that followed, and he has been a fearless advocate for the food and nutrition programs he oversees. When it comes to the nuances of SNAP or WIC or school meals, Kevin's knowledge and expertise is simply unmatched. He knows the issues impacting vulnerable families, and he is passionate about addressing hunger in this country.

Mr. Speaker, during the past several years, I have had the privilege to collaborate with and learn from Kevin as we worked to address hunger and food insecurity in the United States. I am particularly appreciative of the time he took away from his office in Washington to join me on two summer meal tours in my home State of Massachusetts. Together, we visited a number of schools, parks, camps, and community centers supported by USDA's Summer Food Service Program that ensures children and teens in low-income areas have access to healthy meals during the summer months.

I was always impressed by how he connected with my constituents and his passion for the work he does. He is, truly, a remarkable public servant, and he has made a real difference in the lives of millions and millions of people in this country.

Mr. Speaker, I am grateful for Under Secretary Concannon's efforts on so many levels, but I especially appreciate all he has done to try to end hunger in our country. There are too many people in the United States of America, the richest country in the history of the world, who are hungry; and, quite frankly, we could all do more in this Chamber.

Sadly, Congress too often in the past has voted in ways and advocated for policies that have actually made hunger worse in this country. In all candor, I am concerned about the future of some of these programs that provide food and nutrition to vulnerable citizens. I am concerned based on the rhetoric of leaders in this House of Representatives, and I am concerned by the rhetoric of the President-elect and his potential Cabinet. Time and time again, we have heard them talk about those in poverty with disdain and con-

tempt. We have heard them denigrate the plight of those struggling in this country. We have heard them belittle their struggle. Quite frankly, that is unacceptable.

I urge my colleagues to learn from Kevin Concannon, to be inspired by his example, and to do what we can all do together to try to end hunger now.

I ask all of my colleagues to join me in recognizing his incredible accomplishments. We wish him well in his next chapter, but we will certainly miss his expertise and passion at FNS.

#### RESTORE THE PROMISES OF HIGH QUALITY OF CARE, LOWER PRICES, AND DOCTOR OF CHOICE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. OLSON) for 5 minutes.

Mr. OLSON. Mr. Speaker, Texans know the difference between right and wrong, between truth and lie.

The Democrats promised four things when they passed ObamaCare: number one, you can keep your insurance; number two, you can keep your doctor; number three, you have a better quality of care; and number four, that care will come at a lower cost. Within weeks, we found out that all four promises were being broken; all four were lies.

But don't take my word for it. Take the word of the constituent from Texas 22, my boss Andrea Kulberg. Andrea writes:

I am a 42-year-old, legally blind, single parent in Sugar Land, self-employed, working very hard to rear two great kids, ages 15 and 13.

I have a master's degree in education and work extremely hard to provide a stable, comfortable life for my kids. In doing so, I have invested time and dollars into my own health care because the kids need me to be healthy.

I lost my right eye a few years ago to complications from ROP, too much oxygen at birth, and my left eye is severely impaired with potential for complications that would need immediate specialized care. I have different specialist doctors for different issues related to each eye.

Additionally, I am a cancer survivor, renal cancer, RCC, which also requires specialist follow-up. For these reasons and others, I have spent time and efforts to get drivers to take me to specialists for these specific positions.

Over the years, I have paid high healthcare premiums for this, usually around \$500 per month—that is crazy in itself—for a PPO to allow me freedom to keep my existing doctor. I paid these fees and sacrificed other luxuries in life so I could get the care I needed with the doctors I wanted. They are the best doctors in their respective fields, and my trust in them is important with this type of care.

I don't have the PPO option now for my health care in 2016 through the ACA. The HMOs and EPOs being offered are not being accepted by my doctors.

I am certain you have heard this as well, but I am writing to you anyway because it has to be said that among these needs of many others in similar situations as my own, my remaining eyesight and renal function should never be less important than

anything in politics. And while I know that there were many, many people in this same boat, for today, while I write this letter, it is about my kids getting to keep their mom and about me keeping the ability to see them grow up.

I know PPOs won't suddenly appear on healthcare.gov because I sent this email. I know this can't be immediately fixed. But I write because it needs to be said; it needs to be heard; it needs to be acted on.

I don't know the right actions that need to happen. I will leave that to your area of expertise. But I know the way it is now doesn't work.

In the past, I paid a lot and had my share of insurance issues, but at least I could still choose my own doctor. At least in a crisis, which I have had, I went straight to the doctor who knew me and my history and could resolve it without a referral and delay after delay.

HMOs might work for some, but not for those who don't want one. Letters to a Congressman are supposed to be more formal, but seriously, what country are we in?

I am not asking for a handout. I am asking for a reasonable choice of a basic PPO, which I have paid for in the past and am asking to have the option to pay for now.

I am not just writing to vent. I am asking for some sort of solution through this train wreck of healthcare options or lack thereof.

If President Obama thinks this is actually working, then he is more blind than me. And that is as nice as I can be now.

Thanks for hearing me out and for looking for solutions that impact real lives.

Respectfully, Andrea Kulberg.

Mr. Speaker, I don't care if you are a Democrat or Republican. Hear Andrea's words—act. Let's rescue Andrea from ObamaCare and restore the promises of quality of care, high quality of care, lower price, doctor of choice.

#### AFFORDABLE CARE ACT REPEAL AND REPLACE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. BROWNLEY) for 5 minutes.

Ms. BROWNLEY of California. Mr. Speaker, I rise this morning to share the story of Judith and her daughter KC.

Like all mothers, Judith only wants the best for her children—to live a full and purposeful life, the ability to pursue their dreams and reach their utmost potential. However, at a very young age of 11, KC was formally diagnosed with bipolar disorder. This health condition causes KC to have uncontrollable mood swings, to perceive reality differently, to see and hear things that aren't there, and to sometimes even become disconnected with reality altogether.

It has taken an enormous emotional and physical toll on KC and her family.

As a mom of two kids, I cannot imagine the difficulties that Judith has faced. Some nights, Judith had to hold her daughter tightly all night long to help her through her psychosis and her panic, not to mention the emergency hospitalizations.

Living with this condition has been a lifelong struggle for KC and for her

family. It requires a combination of daily medications, weekly psychiatric treatments, hospital visits, and constant support and medical care. And that is only half the story.

Without this intensive treatment, KC would simply be unable to function. With it, she has the tools she needs to live a healthy and productive life.

When KC was younger, she was covered by a family healthcare policy, but even then, Judith needed to pinch pennies and barely scrape by due to the high cost of insurance co-pays and deductibles, costing her \$13- to \$15,000 per month. To try to keep up with her never ending medical bills, Judith used all of her retirement savings.

When KC reached adulthood, she was bumped off the family insurance plan. Fortunately, KC qualified for healthcare coverage through the ACA Medicaid expansion. Without it, she and her family would have had no viable alternative.

The ACA provided KC with access to reliable, consistent medical care that has been vital to her well-being and has allowed her to thrive.

□ 1045

I am very happy to share that KC finished her bachelor's degree in May and is now pursuing her master's in counseling psychology.

With her own struggles as her inspiration, she decided to make psychology her life's work, and Judith says that KC is now the person whom everybody goes to anytime one has a problem or needs comfort.

Without the healthcare coverage that KC obtained from the Affordable Care Act, she would never have been able to obtain private health insurance due to her preexisting conditions and rigorous health needs. With the Affordable Care Act, Judith was able to see her daughter realize her dreams.

I know all of you who are parents want the same for your children; so, when I hear my colleagues on the other side of the aisle talk about eliminating KC's healthcare coverage, I get a pit at the bottom of my stomach. This is not about politics; this is about people's lives. This is about KC's life and Judith's life and the lives of 20 million Americans who have gained healthcare coverage because of the Affordable Care Act.

Today, I rise to speak up for KC and for Judith and for the millions of other Americans whose lives would be put in jeopardy if we repeal the ACA without our having an adequate replacement.

I urge my Republican colleagues to reconsider this reckless repeal that would throw our entire healthcare system into chaos and take lifesaving care away from those who need it the most.

#### HOUSE MEMBERS ATTEND 101ST PENNSYLVANIA FARM SHOW

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise to celebrate an industry that allows Americans to have access to affordable, high-quality, and safe food—the agriculture industry: our farmers, our ranchers, farm families. Without food security, we do not have national security; so I am here today to recognize all of those who work so hard in that industry.

Over the weekend, some members of the House Agriculture Committee were able to join me in Harrisburg, Pennsylvania, our State capital, to attend the 101st annual Pennsylvania Farm Show. This event has been widely attended for generations, and it is the largest indoor agriculture expo in the country. It showcases 300 commercial exhibits, 6,000 heads of animal, 10,000 competitive exhibits, and more than a half a million visitors.

On Saturday, Agriculture Committee Chairman MIKE CONAWAY and I hosted a public listening session. We wanted Members of Congress to hear directly from farmers and ranchers, from FFA members, from kids in 4-H—the future of agriculture—on how agriculture policy impacts them.

I thank the following Members who were able to join us at the farm show: Congressman MARK AMODEI, Congressman LOU BARLETTA, Congressman TOM MARINO, Congressman DAN NEWHOUSE, and Congressman TED YOHO.

We covered a range of topics, Mr. Speaker, during our public forum, from raising awareness about agriculture education, to hearing very real concerns from our dairy farmers, to receiving an update from our forest industry about the best ways to strengthen forest management. As chairman of the Agriculture Subcommittee on Conservation and Forestry, this was of particular interest to me.

The Pennsylvania Farm Show, which continues throughout this week, brings together so many different farmers and growers and ranchers, all with unique issues. This, truly, is an event like no other. The Farm Show Complex and Expo Center houses 24 acres under one roof, spread throughout 11 buildings, including three arenas. There is no admission fee. It is a great event for the entire family, and there are numerous educational shows that are, obviously, all free of charge.

This year's theme is "Our Commonwealth's Blue Ribbon Experience." It reminds us that there really is something for everyone, farmers and non-farmers alike. The Pennsylvania Farm Show provides an atmosphere for everyone to walk through, observe, and educate themselves about different areas of agriculture and to be able to reconnect with the farm—the Commonwealth's largest industry, which brings in nearly \$6.9 billion annually in agricultural cash receipts. Almost a half million jobs are tied to the industry, which positively impacts all Pennsylvanians.

Undoubtedly, one of the most popular attractions at the Pennsylvania Farm

Show is the food court, which is located in the complex. The food court offers visitors a variety of Pennsylvania preferred products, and it generates income to support the nonprofit Pennsylvania Agricultural Commodity Organizations. There is where you will find the famous Farm Show baked potatoes.

The Pennsylvania Cooperative Potato Growers, Inc., is the oldest in the United States, chartered in 1922. The money raised during the week helps to support the marketing and the promotion of Pennsylvania potatoes. Money is also used to pay the dues for Pennsylvania growers to belong to national potato organizations, fund research projects, and promotional opportunities for Pennsylvania's growers. Our delegation was able to stop by and sample some of the well-known potato doughnuts.

The Pennsylvania Dairymen's Association is also on hand at the expo. This service organization provides scholarships, youth programs, and agricultural education programs across the Commonwealth. It also maintains the milk house facilities that are located in the farm show complex. The Dairymen rely on the revenues that are generated during the farm show to fund their activities, including a statewide fresh milk program, called Fill a Glass with Hope. All of their activities are bolstered with the sales of milkshakes, milk and chocolate milk, ice cream sundaes, grilled cheese sandwiches, ice cream cones, and my favorite—fried cheese cubes.

Over a century ago, the first Pennsylvania Farm Show was a 3-day exhibit. Today, the event is a weeklong celebration of how the agriculture industry touches our lives every day. If you pick up a fork, a spoon, or a knife, you are touched by agriculture. Proudly, this event draws visitors from across the country to highlight everything our State has to offer when it comes to agriculture.

As the 115th Congress begins to address the next farm bill, listening sessions like the one that we hosted Saturday will continue to be critically important. Policy that is based on discussion within the vacuum—the beltway—of Washington usually fails and falters. When we open it up to the people who are impacted, we get the best policy. If you are looking for the best agriculture expo in the country, head to Harrisburg this week.

#### MEETING THE THRESHOLD OF UN-AMERICAN

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from New Jersey (Mrs. WATSON COLEMAN) for 5 minutes.

Mrs. WATSON COLEMAN. Mr. Speaker, what is more important than being the President of the United States? For all of us here, that is a no-brainer; but, each day, I find myself asking that of the President-elect.



Last night, we watched President Obama say farewell to the country he served. For the past 8 years, parts of our country disparaged him, and some of our colleagues fought him tooth and nail at the expense of their constituents; but, each day, we were assured that our outgoing President put this country and our interests first.

President-elect Trump seems to serve himself. Yesterday, several news sources reported the possibility of a continuing exchange of information between Russia and Trump campaign officials during the election; so, in the face of yet another troubling revelation that further sullies the ground on which his loyalty to America stands, I have questions:

Is our President-elect willing to sacrifice his personal gain for the good of this great Nation?

When will we find out if he has fulfilled his legal obligation to pay taxes like millions of Americans do?

How can we be sure that our interests will take precedence if we don't even know that they ever have?

Will this White House serve as "Trump Tower South"?

The actions and words of the President of the United States have a loud and reverberating effect through the world economy and the international political system.

To date, President-elect Trump's promises to America have been hollow and his actions self-serving. President-elect Donald Trump does not merely offer an alternative direction for our Nation; he, it seems, offers to use the Presidency primarily for his personal benefit.

When given an opportunity to set these concerns aside, he scoffs at his critics and embraces our Nation's enemies. Instead of making reasonable attempts to reassure the American public, whom he will soon swear to protect, he gaslights us with tweets, mockery, and lies.

In the past, we have seen the term "un-American" used to indict members of the public executing their civil liberties. Antiwar advocates protesting for peace have been called un-American. Civil rights leaders standing against discrimination have been called un-American—just ask Senator JEFF SESSIONS. Professional athletes taking a knee to acknowledge sordid realities within our justice system are deemed un-American, and comedians and pastors, alike, for using their microphones to criticize our Nation.

But, quite frankly, dissent is American; protest is American; criticism is American. Healthy skepticism toward our national intelligence is American. Disparaging and discrediting it is not.

Working with foreign powers to ensure peace is not only American, but also Presidential; inviting a foreign power to compromise the cybersecurity of private citizens is not.

Empowering Americans to become involved in the political process, to take action, and to even be critical of

you is American; attacking them when they call untruths and inciting your supporters to do the same is not.

For these reasons and a host of others, I simply ask the question: At what point do the actions of our next President—President-elect Donald Trump—meet that threshold of un-American?

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President-elect.

#### U.N. RESOLUTION 2334

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. DESANTIS) for 5 minutes.

Mr. DESANTIS. Mr. Speaker, U.N. Resolution 2334 was an anti-Israel resolution that sought to erase the history of the Jewish people and their connection to their historic homeland.

Under U.N. Resolution 2334, the Western Wall, which is the holiest site in Judaism and the last remnant of the Second Temple, is considered occupied territory. You can't even make this up. I think it is important to point out that the territory at issue, which we are talking about, including the West Bank, which is historic Judea and Samaria—some of the oldest Jewish lands dating back thousands of years—is disputed. It is not occupied territory.

When you use that term for things like the Western Wall, you show that all you are trying to do is to harm and attack the State of Israel but not do this in an intellectually honest way. If you look at the Balfour Declaration, that entire mandate was originally for a Jewish state, including what is now Jordan.

As we got into the 1920s, Britain thought that giving what was called Transjordan—what is considered to be the eastern part of Palestine—would be a reward for the help of some of the Arabs during the First World War. That had been under Turkish control for hundreds of years before World War I. It was then under British control. You have this British mandate, and they eventually give Jordan everything east of the river; but then Jewish Palestine—this is a Jewish state, which is all of Israel proper: Jerusalem, Judea and Samaria, you name it—was what Britain wanted to do. The League of Nations in 1922, which is the last legally binding document, recognized that as well.

Fast-forward past World War II and we get into the late forties. The Arabs always rejected having a state shared with Israel in that respect. Then we get to 1948 and the U.N. Partition Plan. How much measly less territory for Israel? It is really an indefensible country. There is a massive Arab state there; yet Israel accepted even these little crumbs of territory. What did the Arabs do? They rejected having a state. You had invasions against Israel from all sides, and the goal was the annihilation of the Jewish state in 1948.

Between '48 and '67—we always heard about these 1967 lines. Those are not

political lines. Those are armistice lines. Israel won the war for their independence. They beat back the Arab armies. You had Egypt controlling the Gaza Strip and you had Jordan controlling Judea and Samaria, what we know as the West Bank.

□ 1100

So those were armistice lines, never internationally recognized. Jordan's occupation of the West Bank was not recognized internationally.

When Arafat founded the PLO, it was in 1964, '65, when you still had these armistice lines. So the Palestine Liberation Organization, what are they trying to liberate Palestine from? He is not talking about the West Bank. He is talking about Israel proper. He wanted to push the Jews to the sea.

So why would we be rewarding? Palestinian Arabs rejected a state in '48. They rejected a generous offer in 2000, 2007. Every time, they have chosen to go to war with Israel, and they are more opposed to a Jewish state than they are interested in their own state.

We do have an example, though. What happens? You talk about Israel occupation. They don't occupy the Gaza Strip. What is the Gaza Strip? Is this like a nice la-la land on the Mediterranean? No. It is a terror state controlled by Hamas, and they launch incessant rocket attacks against Israel.

So a Palestinian state in this area, Judea-Samaria—West Bank—would be what they call *judenrein*. It would be free of Jews. They would ethnically cleanse every Jew who was in anything considered earmarked for Palestinian Arabs. It is an interesting contrast, because in Israel, Arab Israelis live and prosper, and they are treated as equal citizens.

So we have to get this straight. What the U.N. did was totally unacceptable. This body needs to remove funding for the U.N. until they repeal that offending resolution, and the new administration needs to move our embassy from Tel Aviv to Jerusalem in a show of solidarity with our friends in Israel.

#### ACA REPEAL AND DELAY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. SPEIER) for 5 minutes.

Ms. SPEIER. Mr. Speaker, the Republicans' plan to repeal the Affordable Care Act should be entitled repeal and collapse, because it will generate, in this country, a financial and healthcare meltdown for tens of millions of people.

In fact, if we repeal the ACA, 30 million Americans will lose their health insurance. States and hospitals will be on the hook for \$1.1 trillion in uncompensated care, and rural hospitals will close.

It will cost the country 3 million jobs. All of this is to give the top one half of 1 percent an almost \$200,000 tax break and costs middle class families as much as \$6,000 more a year. Once

again, the Republicans are taking care of the richest while imposing tax hikes on hardworking Americans.

As this chart shows, the ACA has caused dramatic reductions in every age group across the entire marketplace in terms of uninsurance, a 50 percent reduction in uninsured in America.

So what does this mean to the average American? For my constituent, Penny Floor, it could return her to a time when she lived with no health insurance whatsoever.

Here is a picture of Penny. She works for the San Mateo Community College District and is one of the 27 percent of Americans under the age of 65 who have a preexisting condition. She is now at risk, thanks to the GOP's reckless ideological agenda, to lose her health insurance.

This is Penny's story in her words:

I tried to buy health insurance in my thirties and in my forties, and both times I was turned down and was told I was ineligible. Basically, I didn't lie on the portion of the form that asked if I had ever been hospitalized for mental illness. I said I was treated for depression when I was 17, and for that I was denied the ability to purchase health insurance.

For a long period of my adult life, I had no health insurance. I worked for a nonprofit childcare center and had no coverage. I got married in my forties, and both my husband and I went to graduate school and were covered then. But when we received our degrees, the coverage ended. My husband was working as a freelance computer programmer. He ended up taking a corporate job that wasn't his dream job so we could be insured.

He is still there today. He is 62, and I am 60, and we live in fear he will be laid off. I am holding my breath that there will be some coverage through Medicaid if that happens, or if we make it to retirement.

When I was younger, I was lucky enough to have incredible health. I didn't go to the doctor or the dentist for 10 years. I was constantly terrified that I would be in a car accident and would be sued. And I was afraid my family would be bankrupt trying to take care of me.

Thank God for Planned Parenthood and access to birth control. It is the only medical attention I received during that time because their sliding pay scale was the only thing I could afford.

Now I am 60, though, and I do have health issues. I was hospitalized earlier this year for blood clots in my legs and lungs. It was scary and expensive, but we had good coverage.

But if the ACA is repealed and Medicaid is affected, I don't know what we will do. We are educated, not poor, very productive members of society, and we are scared.

These are the words of a real American, my constituent, Penny Floor.

#### HUMAN TRAFFICKING MONTH

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. FARENTHOLD) for 5 minutes.

Mr. FARENTHOLD. Mr. Speaker, this year, Texas has the great honor of hosting the Super Bowl. In just a couple of weeks, Houston will host the largest event of the year in the United States with approximately 100,000 people expected to attend and more than

100 million expected to tune in on television.

The Department of Homeland Security calls the Super Bowl the most attractive target for those who want to commit harm. Thanks to partnerships between local, state, and Federal officials, K9s will be deployed for bomb detections, officers on the lookout for suspicious activity, and air security will be ramped up, to name just a few of the precautions.

Law enforcement is doing a great job of reminding everyone who plans to attend: if you see something, say something. Since it is January and it is Human Trafficking Awareness Month, I want to remind everyone that "see something, say something" doesn't just apply to unattended backpacks.

During a recent meeting on Capitol Hill, DHS reminded all of us that events such as the Super Bowl bring the good, the bad, and the ugly. While a majority of the attendees are coming to have a good time and with good intentions, the few who do not can disrupt and ruin many lives.

So I ask those who attend to help us in keeping Texas one of the safest and best States in the country by reporting anything to law enforcement they may believe to be suspicious and allow trained officers to investigate. This includes suspected human trafficking.

According to the Polaris Project, warning signs of someone being a victim of human trafficking include not being allowed to leave or come and go as they wish; appearing malnourished; not being in control of his or her own identification documents; not being allowed to speak for themselves; and showing signs of physical abuse, torture, or physical restraint.

While law enforcement will be ramping up efforts to reach out to victims and give them the resources they need to get help, it lies on each and every one of us to be aware of our surroundings and help when someone is in trouble or something is not right.

It is important to remember that human trafficking doesn't just happen during large sporting events. It happens every day, often going unseen. While events like the Super Bowl help bring it to our attention, it is important to remember that, when the event is over, men and women, boys and girls are still being victimized each and every day.

UNICEF has estimated there were 1.5 million victims of human trafficking in the United States alone in 2014, and that number soars to 27 million worldwide. This is a problem that is going to continue to need our attention 365 days a year. We have got to work together to end this form of human slavery.

#### OBAMACARE REPEAL AND REPLACE

Mr. FARENTHOLD. Mr. Speaker, I spend most of my time, when Congress is not in session, back home in Texas. I hear over and over again from constituents: ObamaCare is not working for me. Premiums are too expensive and deductibles are too high.

That is just not a problem in Texas. ObamaCare is failing nationwide. It is now the unaffordable, no-care act. That is why I support repealing and replacing it. The House will set up the framework to do just that with the budget bill we expect to pass this week. It sets up budget reconciliation that will be the vessel for beginning to fix this failing law.

I am looking forward to a healthcare system that allows individual consumers more choice in the plan that they pick, a healthcare system that will return choice to the American consumer while ensuring that people can't be turned away or lose coverage due to age, medical condition, or circumstances.

I also look forward to a healthcare system that protects Medicare for senior citizens while ensuring Medicare is financially solvent and will be there for future generations.

I also look forward to a healthcare system that is free of burdensome bureaucracy and a tax system that hampers the development of new medical devices and therapies, discourages savings, and penalizes employers and the American people if they don't do Uncle Sam's bidding.

I have heard from restauranteurs in my area. In Port Aransas, I ran into a guy at the airport. He said: I want to expand my restaurant, but it will put me over the limit for employees and put me under ObamaCare. I just can't afford it.

So he chose not to expand. He wasn't able to hire more people, give people jobs.

Another restaurateur in Corpus Christi said: You know, I am over the limit now, but I am only hiring part-time people. I can't afford the coverage, and I can't afford to raise prices because the market just won't bear more expensive meals.

This means that people who could have gotten full benefits under a different plan are having to suffer with no benefits and work two part-time jobs rather than a full-time job.

It is time we repeal and replace ObamaCare and replace it with a healthcare plan that meets people's needs, not Washington, D.C.'s needs. You can read more about the House plan at Better.GOP.

#### FLOODING AND WATER STORAGE

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. COSTA) for 5 minutes.

Mr. COSTA. Mr. Speaker, I rise today to speak about the water conditions facing California as I have for many times over the last 6 years.

Today, obviously, we have recent storms that we welcome in California. Over the past several days, my district has received above-average rainfall and snow in the mountains; and we welcome that. But also that presents flood conditions.

After over 5 years of record-breaking drought conditions, of course, we welcome the rain and snow; but there is



also destructive flooding that is occurring as a result of that.

Regrettably, to reduce this potential flooding, we are having to let this water go out to the ocean. This precious water could be extremely beneficial to farmers, farmworkers, and farm communities in the dry years. But, of course, we can't store it because the storage is not there.

This water could be used to replenish groundwater aquifers that were depleted during these drought conditions and could be carried over for ground storage for use in dry years. This water could help ensure that farming communities would not continue to deal with double-digit unemployment levels that we have had to face over the last 6 years.

It is why we need to invest more in the water storage projects in California, both surface storage and groundwater recharge, like raising the gates at Exchequer Dam, building Sites Reservoir and Temperance Flat Dam.

The WIIN Act that we passed last month was enacted in December, and it provides funding for water storage authorization and for groundwater banking projects. And just in the last several weeks, we have determined that over 130,000 acre-feet of water is available today for use in our farm communities that otherwise would not be available.

It is my sincere hope that those projects and others like this, like the Los Banos Creek Reservoir and raising San Luis Reservoir, are advanced as rapidly as possible in the next administration so that we can begin to capture the much-needed water that comes from these storms as we have had in the last 10 days.

Fixing California's broken water system requires a multiprong approach, as I have said many times on this floor, and focusing on how we improve the water infrastructure and storage capacity will be imperative as we work together to update California's water system, both here in Congress with the new administration and with the administration in Sacramento that is also trying to create a water system that serves California's needs in the 21st century.

After 5 years of devastating drought conditions, we are now witnessing these large storm events which have created floods in certain regions of California. It is either feast or famine in California; and with the climate change impacts, we know that will only continue in the future.

So as we reflect on the last 5 years and we look at the progress we made last month with the WIIN Act that was part of WRDA legislation, as time goes on, it is important that in the future, during the dry years that we will face more intensive drought conditions, that we plan and provide for those drought conditions by creating the necessary surface storage and groundwater storage projects so that when we have wet years—we have wet times, as we

witnessed in the last 10 days, when we see greater rainfall amounts, increased flooding, and snow pack—that we have the water storage capabilities to meet the captured water during the wet years so we can use it during the dry ones. Common sense tells us that.

□ 1115

I urge my colleagues in Congress and the people of California to continue to work together on a bipartisan basis because it is the only way we ever get anything done. So for the new administration, for my colleagues in the new Congress, and for my friends back in California, we must work together. If California, one of the most prosperous States in the Nation, the seventh or eighth largest economic power in the world, cannot fix the water challenges that we face in the 21st century, God help the rest of the world.

This is all about sustainability—sustainability of our food supply, sustainability of our Nation. Food is a national security item. We don't look at it that way, but it truly is.

Mr. Speaker, I look forward to the new Congress and the new administration to build on the progress we made last month so that we can fix California's broken water system by using all of the water tools in our water toolbox, and we can only do that on a bipartisan basis.

#### ENFORCEMENT OF MARIJUANA LAWS

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. ROHRBACHER) for 5 minutes.

Mr. ROHRBACHER. Mr. Speaker, I rise today to praise Senator JEFF SESSIONS, President-elect Trump's nominee for Attorney General. Senator SESSIONS, I am praising him today for his inspiring testimony before the Senate Judiciary Committee yesterday. During his confirmation hearings, Senator SESSIONS was questioned on a wide variety of issues that will be under his purview as our Attorney General. Included in the numerous topics covered were questions about his intentions to enforce Federal law as it pertains to marijuana policy.

Senator SESSIONS is a patriot. He is a constitutionalist. He is a man of the highest moral integrity, and I have complete confidence that if confirmed as Attorney General, he will faithfully enforce our laws—not just those he agrees with, but all the laws duly enacted by Congress.

As it pertains to marijuana policy, Senator SESSIONS promised to do the same, to follow the law. During his exchanges on that topic of medical marijuana policy, being questioned by both Senators Leahy and Lee, Senator SESSIONS stated his intention to follow Federal law. At one point he indicated that if Congress no longer desired to make possession and distribution of marijuana an illegal act, "Congress should pass a law to change the rules."

At this time, I feel compelled to point out that Federal law has been changed and currently prohibits the Department of Justice from spending appropriated funds to prosecute individuals who are acting in compliance with their State's medical marijuana laws. In fact, a provision has been in the law since December 2014, when Congress passed and President Obama signed into law the Consolidated Further Continuing Appropriations Act. The act included a provision passed on the floor of the House as an amendment earlier that year by a vote of 219-189. The following year, a similar provision was passed by a wider margin of 242-186. That provision, offered by myself and cosponsored by my colleague, SAM FARR, restricts the Federal Government from superseding State law when it comes to the use of medical marijuana. This law will remain in effect through April 28 of this year, although I expect with the House and the Senate, both on record on this, that this provision will be renewed. I am especially confident of that when realizing that President-elect Trump is on the record, as he stated in the last campaign, that this issue should be left to the States. Thus, I am confident that this legal provision, which says that the Federal Government shall not supersede State law when it comes to medical marijuana, will be renewed.

Importantly, in August of last year, the Ninth Circuit Court of Appeals ruled in *U.S. v. McIntosh* that Federal funds cannot be used to prosecute those in compliance with their State's medical marijuana laws. This provision will be part of American law as long as it is renewed and Congress makes it part of the law. I am confident that if Congress does that, Attorney General JEFF SESSIONS, my friend, a person I admire greatly, will abide by the provisions and, thus, respect State medical marijuana laws, as dictated by Congress and enforced by the judiciary.

As he rightfully pointed out in his testimony yesterday, Senator SESSIONS said it will be his duty to see to it that the laws under his purview as Attorney General are faithfully executed, and this includes the Rohrabacher-Farr limitations that no funding shall be used to prosecute those throughout our country who are in compliance with our States' medical marijuana laws.

All of this comes down to a constitutional theory and a constitutional commitment to what we call the 10th Amendment, and that is the States have a right to make determinations in all of those areas that the Federal Government should not be involved in. This should definitely be left to the States.

#### CONGRATULATING CLEMSON UNIVERSITY

The SPEAKER pro tempore. The Chair recognizes the gentleman from South Carolina (Mr. DUNCAN) for 5 minutes.

Mr. DUNCAN of South Carolina. Mr. Speaker, in the history of mankind, civilizations have turned to sports as a means of entertainment, as a distraction from the routines of everyday life, a great way to spend time with friends and family. Whether it was the gladiators in the coliseums of Rome, the jousting in the Middle Ages, or college football today, it is a great form of entertainment.

I rise today to honor and recognize Clemson University, the 2016 college football national champions. The coaches are to be commended—from Dabo Swinney and his coaching staff, the team he has put together, the men of character that he builds, and I will mention some of those shortly; President Jim Clements; athletic director Radakovich; the students of Clemson; and, most importantly, the fans, a 35-31 victory against Alabama.

It has been 35 years since Clemson won the national championship in 1981. That is a special national championship to me because my brother John was on the national championship team in 1981. Danny Ford, Coach Ford, was the coach when the 1981 national championship team was inducted, recognized in the College Football Hall of Fame the very night, Monday night, of this year's national championship.

The connections between the University of Alabama and their football program and Clemson University's football program are numerous. Danny Ford played football for Bear Bryant. He coached the national championship in 1981. Dabo Swinney, current head coach at Clemson, played for Alabama. Dabo was a walk-on at Alabama. It has been 110 years since Clemson defeated Alabama, 1905.

I am not taking anything away from Coach Saban and the Alabama Crimson Tide. What a great football program they have in the great State of Alabama. They fell to a very good Clemson football team on Monday night.

Deshaun Watson, number 4, he was the difference. He is the best football player in the Nation with 420 yards passing, 36 for 57; total offensive, 511 yards. Watson was the MVP of the national championship game. Ben Boulware was Clemson's defensive MVP of the game.

But I want to give a special shout-out to a unique individual, Hunter Renfrow, number 13, who caught the winning touchdown pass at the end of the game with 1 second left. Hunter Renfrow, a walk-on at Clemson, like his head coach, Dabo Swinney, a walk-on who earned a spot, ultimately catching two touchdown passes in this national championship game, two touchdown passes in the 45-40 loss last year, a walk-on.

Both ends of the spectrum, a five-star quarterback, number 4, Deshaun Watson, arguably the best quarterback in the Nation, throwing to the other end of the spectrum, a walk-on. What a great story.

I want to give a shout-out to the coaching staff, specifically Dabo

Swinney, and to Deshaun Watson for both recognizing that their talents and that team's specialness came from Almighty Creator God.

Clemson is special to me. I am a 1988 graduate. I played walk-on at Clemson 1984, 1985, and part of 1986. Part of Hunter Renfrow's and Dabo Swinney's stories that you can be a walk-on and ultimately succeed is one that we should take away from this great game.

So my congratulations, standing here on the floor of the United States House of Representatives, representing the Third Congressional District, home of Clemson, South Carolina, home of Clemson University, and now home of the 2016 college football national champions, the Clemson Tigers. I am proud to be here and say, "Go Tigers." Congratulations, Clemson.

#### CREATING TECHNOLOGY JOBS

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. KHANNA) for 5 minutes.

Mr. KHANNA. Mr. Speaker, I have the great privilege and honor of representing Silicon Valley in the United States Congress. We are living through revolutionary times. If 100 years ago we had the industrial revolution, today we have the software revolution, and the forces of automation and globalization are fundamentally changing our economy.

We first must thank the hardworking Americans who helped build this economy—the steelworkers and the coal miners and those who were machinists who built the economy that made us an exceptional Nation—that were the foundation of everything that Silicon Valley does today. We need to thank them for the extraordinary hard work and grit that they showed.

We also need to recognize that our economy is changing, and not everyone has participated in the technology revolution. Some folks have benefited, and they are creating jobs and wealth, and others have been left behind. We have an obligation to make sure that every American and their daughters and their sons get to participate in this technology revolution and have technology jobs.

Enrico Moretti, an economist at Berkeley, has shown for every one technology job, it creates four to five other jobs in communities, from the barista to a lawyer, to a construction worker. Tech jobs have a larger multiplier today than manufacturing jobs had in previous eras.

My commitment, my vision is to see how Silicon Valley can help create technology jobs not just in my district, but across America. There is no reason that Des Moines, Iowa, and Wichita, Kansas, and Dayton, Ohio, cannot become centers for technology innovation and have extraordinary technology jobs.

I look forward to working across the aisle with my Republican colleagues and Democratic colleagues to figure

out how we create tech jobs across this Nation.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 29 minutes a.m.), the House stood in recess.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

#### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Dear God, we give You thanks for giving us another day.

As a parent encourages a child or a mentor calls forth the hidden potential of an intern, Lord our God, may You bless all who work as the 115th Congress convenes, especially those new Members.

Remove fear and confusion, wipe away distrust, which only inhibit good judgment and leadership. Strengthen the resolve and compassion of all Members, that they may serve Your people with renewed clarity of vision and refined purpose that will soon unify this Nation in self-discipline and confidence.

For You reward the just and their deeds.

Bless all Members this day, O God, and be with them and with us all in every day to come. May all that is done be for Your greater honor and glory.

Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Rhode Island (Mr. LANGEVIN) come forward and lead the House in the Pledge of Allegiance.

Mr. LANGEVIN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

## THE UNDERLINE

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate Meg Daly, the board of directors, the founders and partners who have rallied behind the great vision of creating The Underline.

Located in my congressional district, The Underline is a 10-mile linear park, an urban trail that extends from the Dadeland South station to the Miami River and that will connect millions of Americans across Miami-Dade County through safe, alternative methods of transportation.

Mr. Speaker, this is underutilized land below Miami's Metrorail that has transformative potential for community mobility, positive economic impact, and enhanced quality of life.

Thanks to the overwhelming collaboration of our south Florida community, there are also many new ideas that will be incorporated in creating this vision, such as dog parks, yoga programs, street art, and pop-up stores. This Saturday, January 14, this recreational space will feature local artists, and the public will be able to experience art that inspires and challenges us to be healthy, mobile, and connected.

Congratulations to Meg and to all involved in The Underline.

## REPEAL AND DISPLACE

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, for almost 8 years, we have heard about Republicans' plans to repeal and replace the Affordable Care Act. During that time, the House has voted dozens of times to repeal or defund ObamaCare; but now as Republicans prepare to take control of the White House, it is clear that Republicans don't have a plan to replace ObamaCare. Instead, they will repeal and displace millions of hard-working Americans, cutting them off from quality, affordable health care and making it even harder to get ahead.

The Republican repeal and displace plan will take away health insurance from 30 million Americans and will increase prescription drug costs, premiums, and out-of-pocket expenses for American families; and it will end health coverage for millions of Americans in order to give a huge tax cut to the richest Americans. Repealing ObamaCare will also cause a loss of 2.6 million jobs, including 12,100 jobs in my home State of Rhode Island.

Mr. Speaker, let's be clear: the Republicans' repeal and displace plan is just wrong. It is time for Republicans to end this charade and get back to doing the people's work by partnering with Democrats to strengthen and improve the Affordable Care Act and stop

threatening all these harms on the American people.

## SUPPORT FOR ISRAEL

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute.)

Mr. WILLIAMS. Mr. Speaker, I rise to reaffirm this Congress' commitment to America's greatest ally in the Middle East, Israel.

Last week, the House of Representatives voted overwhelmingly to object to the United Nations Security Council anti-Israel resolution. H. Res. 11 was supported by most Democrats and all but four Republicans. The House vote was prompted by the Obama administration's refusal to use its veto power to shoot down a U.N. resolution condemning Israeli settlements.

As I wrote in a recent op-ed: This U.N. resolution was one-sided. It failed to recognize that Israel is the only Jewish state and that it is fighting for survival every single day. This U.N. resolution will be used to justify the actions of those who want to wipe Israel off the map.

As I speak, we are still mourning Sunday's attack on a group of Israeli soldiers that left four dead and more than a dozen injured.

Mr. Speaker, I think most of us can agree that U.S.-Israel relations have hit a low point under this administration. When I first ran for Congress 4 years ago, I ran on a seven-point platform that included standing with Israel.

Mr. Speaker, I will not waver in my support for our friend. I hope the incoming administration sets a new tone in reestablishing America's alliance with the Jewish state.

In God we trust.

## YOUR VOICE DOES MATTER

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, there is lots of incredible news out there. The Trump press conference just makes your head spin, but we have seen that the public's voice does matter.

Because of public outcry, within minutes after the late-night closed meetings, the Republican plan to gut the independent Office of Congressional Ethics was reversed. In response to outrage about jeopardizing health care for millions of Americans, some Republicans now admit that repealing the Affordable Care Act is not quite so simple and maybe they should come up with a replacement, even if they don't yet know how to do it. Senate Republicans even delayed some of the Cabinet confirmation hearings to allow a more orderly review and scrutiny.

Your voice does matter.

The President said last night that change only happens when ordinary people get involved, get engaged, and

come together to demand it. Obviously, these fights are just beginning, but the last 10 days shows that together we can and will protect the values and programs so vital to America.

## DATA IS BETTER THAN PREDICTIONS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, whenever you see climate change in the news, remember the difference between actual data and exaggerated predictions. For example, much coverage was given yesterday to the predictions by the U.S. Fish and Wildlife Service that polar bears now face extinction because of climate change. That prediction is contradicted by the evidence. The polar bear population has been increasing and is now around 26,000, probably the highest number in many years.

Climate alarmists want to scare people with extreme predictions. Better for Americans to look at the scientific evidence and discount the wild tales. Climate change has many causes and has occurred throughout the history of the Earth. Real scientists acknowledge this and are hesitant to make long-range predictions.

## RECOGNIZING KRISTIN NICHOLSON

(Mr. LANGEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, it is always difficult saying good-bye to a Member of our Hill family. When I was first elected to Congress, I sought a chief of staff who could work with me to help lead my team and shape my policy portfolio: someone who knew the Hill as well as the legislative process in Congress; someone who was smart, strong, and compassionate; someone with sharp instincts; and, most importantly, someone I could trust. I found all of those qualities and so much more in Kristin Nicholson.

As my chief of staff, Kristin has been a trusted confidant, adviser, and a true friend. So it is with both sadness and pride that after 16 years in my office I say good-bye to Kristin as she leaves the Hill to become director of the Government Affairs Institute at Georgetown University.

Kristin's leadership has been essential to me and my entire staff; and although we will miss her tremendously, she leaves behind a team that has benefited from her professionalism, passion, humor, and grace under fire.

Kristin, I cannot thank you enough for your service to me and the people of Rhode Island. Congratulations and best wishes.

### OBAMACARE HAS NOT BEEN AFFORDABLE

(Mr. BIGGS asked and was given permission to address the House for 1 minute.)

Mr. BIGGS. Mr. Speaker, ObamaCare has been a disaster for Arizonans. My home State of Arizona has been hit the hardest. Premiums in Arizona for many have increased over 100 percent, and providers have fled the State, leaving some counties with one provider and little options for healthcare insurance.

ObamaCare must be repealed. In fact, there is no constitutional authority given to the Federal Government to take over our healthcare system. These issues are, in fact, best left to the States to manage.

I am advocating for a complete repeal of ObamaCare as soon as possible, with a transition period of no longer than 24 months.

The approach I am suggesting will remove government from between patients and their doctors. Our alternative will encourage competition, which will in turn lead to lower costs to all Americans, but in particular, Arizonans.

I remain committed to seeing this happen.

### UNION CITY PUBLIC SCHOOLS

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, I rise today to recognize the Union City Public Schools for their outstanding achievements.

Having come to the United States from Cuba as a child, I experienced the challenges of assimilating into a new community firsthand. As the representative of one of our Nation's most diverse districts, many of my constituents experience these challenges every day. Giving immigrants the tools they need to succeed is not only beneficial to our country, it is sound policy.

According to The Wall Street Journal, Union City Public Schools "have become a model for ushering low-income English-language learners into the mainstream."

With a student body that is 95 percent Hispanic, one of the keys to Union City Public Schools' success is their English as a second language program and their early childhood programming. The programming has become a model for educators in the U.S. and as far away as Europe. Graduation rates have also increased by nearly 10 percent, in just 2 years, in the district.

Mr. Speaker, I am proud to represent a school district that has made tremendous strides in easing the transition of immigrant youth into our society and become the foundation of success for thousands of children and young adults.

### COMMENDING THE EFFORTS OF PEOPLE FOR LIFE

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to commend the efforts of People for Life, a non-profit in Erie County, Pennsylvania, that is dedicated to educating and promoting right-to-life causes in northwestern Pennsylvania.

This organization hosts several events throughout the year to bring together people of the pro-life community. People for Life organizes an annual bus trip to participate in the national March for Life in Washington, D.C., and it also hosts its own March for Life in Erie.

For nearly four decades, People for Life has hosted a Pro-Life Breakfast that highlights the sanctity of human life in all phases and conditions. Attendees can hear stories of love, courage, and victory through God's mercy and grace.

I thank People for Life for all the work it has done in Erie and northwestern Pennsylvania on this topic of such great importance. They work to save lives through education and love. They recognize how sacred each human life is and fully understand the need to protect the most vulnerable. They are a voice for the voiceless. I am deeply grateful for their work.

### WE MUST STRENGTHEN FLIGHT SAFETY MEASURES

(Mr. HIGGINS of New York asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS of New York. Mr. Speaker, nearly 8 years ago, western New Yorkers watched in horror as Continental flight 3407 crashed, tragically ending the lives of those on board. Since then, the families of those lost have turned their grief into a relentless fight to strengthen pilot training and flight safety rules.

Today, the families of flight 3407 are in attendance at the Senate nomination hearing for the new Secretary of Transportation. Their presence is an urgent reminder that the work of Congress and the administration still remains to be done.

In 2010, Congress passed landmark flight safety legislation with the families of 3407 leading the charge. Since then, there have been nearly 8 years of no fatal commercial crashes on domestic U.S. airlines. Now the Federal Aviation Administration reauthorization is on the horizon, and we must further strengthen flight safety measures.

It is essential that we continue to stand alongside the families of flight 3407 and fight attempts to roll back pilot training and safety provisions. We must not forget those we lost nearly 8 years ago and do all that is possible to prevent another tragedy of this kind.

□ 1215

### TRADE IS A TWO-WAY STREET

(Mr. DUNCAN of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN of Tennessee. Mr. Speaker, some people have expressed concern that President-elect Trump will start a trade war if he gets tough on trade. But what they are not admitting, or perhaps it has never occurred to them, is that we have been in a trade war for many years, and we have been losing.

China has followed a China-first policy for years to their great benefit, while we have sent millions of good jobs to other countries and several million of our young people now can find jobs only in restaurants.

With only 4 percent of the world's population, we buy 21.7 percent of the world's goods. We used to buy about 25 percent, but we have more competition around the world now as most countries are trying to move away from socialism while we seemingly move toward it. But we still have tremendous leverage on trade that we have not used because every country wants desperately into our markets.

We need to negotiate trade deals that will create more jobs in this country. We need, Mr. Speaker, to tell foreign leaders that we want to buy things from them, but they need to start buying from us, too. Friendship is a two-way street.

### DON'T MAKE AMERICA SICK AGAIN

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute.)

Mr. GENE GREEN of Texas. Mr. Speaker, the Congressional Budget Office estimated that 22 million Americans would lose their health insurance if the Republican bill from last Congress becomes law. Let's don't make America sick again.

There should be no repeal of health reform without an immediate, adequate replacement that achieves the same historic goals in coverage, ensures people with preexisting conditions aren't blocked or priced out of the market, and that plans cover a basic set of benefits and consumer protections.

Repealing the Affordable Care Act without a replacement in place will cause chaos. Millions will lose coverage; the individual insurance market will be in shambles; doctors, hospitals, and States will lose billions; and the economy will be hurt. Without health insurance, people with chronic diseases will lose care and become sicker.

Every major law that Congress has passed needs oversight and revision to make sure it is as effective as intended. Congress can amend any law, but doing so in a way that will cause 22 million of the newly insured people to be without health insurance is just wrong.

I urge my colleagues to stop working against the health of American people. We should not be making America sick again.

#### RECOGNIZING MACY MAINE AND HANNAH MASON, INSPIRATIONAL ROLE MODELS

(Ms. MCSALLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MCSALLY. Mr. Speaker, I rise to recognize two southern Arizona young women for their achievements and for serving as role models in their communities. Macy Maine, a senior at Buena High School, and Hannah Mason, a senior at Pusch Ridge Christian Academy, were recently given the 2016 Brilliant, Beautiful and Bold Role Model Award from the Girls Rule Foundation. The award recognizes only a handful of young women across the State who are making a difference.

Macy was given the award for her active engagement in the community. She represented her high school as an American Legion Auxiliary Arizona Girls State delegate, is an All-American cheerleader, and represented her city at the Power Up Teen Leadership Conference. She is a frequent volunteer and hopes to enter public service.

Hannah has been a selfless leader for her family and community. After a car accident took the life of her father and severely injured her older sister, Hannah stepped up to care for her family. She helped her sister through multiple surgeries while continuing to excel at school and remain active in the community. She hopes to enter medical school one day.

Mr. Speaker, I congratulate both Macy and Hannah for being inspirational role models to their peers and wish them the best of luck as they continue to pursue their dreams.

#### HONORING THE MEMORY OF COLONEL HOWARD MERRITT STEELE, JR.

(Mr. BEYER asked and was given permission to address the House for 1 minute.)

Mr. BEYER. Mr. Speaker, I rise today to honor the memory of Colonel Howard Merritt Steele, Jr.

Colonel Steele was the epitome of a soldier. He loved his family, his country, his God, the Army, and West Point. He attended the prestigious Peekskill Military Academy, Yale University, and the United States Military Academy.

Colonel Steele fought in Korea, where he was awarded the Silver Star for gallantry in action. He received the Bronze Star for his service as a rifle company commander. After the war, he was company commander in the 3rd Infantry, The Old Guard, at Fort Myer, Virginia; two tours in Vietnam; Commander of the 54th Infantry Battalion; and a graduate of the Army War College.

Colonel Steele's awards include three Bronze Stars, Meritorious Service Medals, three Legions of Merit, three Air Medals, Army Commendation Medal, the Vietnam Cross of Gallantry with Palm, and a number of other service and foreign medals.

He is survived by Dotsie, his beloved wife of 65 years; his son, Howard Merritt Steele, IV; two daughters, Cynthia Steele Vance and Susan Steele; and six adoring grandchildren.

Colonel Steele, you led a long, brave, generous life of service to others—a soldier's soldier. Your legacy is a growing family who basked in your love and a country just and free.

#### STAND UP FOR LIFE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, this weekend, I was grateful to participate in the Stand Up for Life March and Rally in Columbia, hosted by the South Carolina Citizens for Life during a rare snowstorm.

I appreciated hearing remarks from Evangelist Alveda King, niece of Dr. Martin Luther King, Jr., a dedicated pro-life activist. I was also grateful to attend the grand opening of Daybreak, a crisis pregnancy center, hosted by Director Brennan Aschleman.

I thank Lisa Van Riper, president of South Carolina Citizens for Life, with Holly Gatling and Brenda Cerkez for organizing such a meaningful event. I was grateful to participate, as well, with Bishop Robert Guglielmone of Charleston and the Knights of Columbus led by Thomas Monahan.

Pro-life voters have made a difference with all statewide officials, both U.S. Senators and six U.S. Members of Congress supporting pro-life initiatives, along with super majorities in the State house and senate. I was grateful to begin this new Congress by being an original cosponsor of H. Res. 354 to provide for a moratorium on Federal funding to Planned Parenthood, which has disgracefully sold baby body parts.

In conclusion, God bless our troops, and may the President, by his actions, never forget September the 11th in the global war on terrorism.

#### MISSION STATEMENT OF A NEW MEMBER

(Mr. GOTTHEIMER asked and was given permission to address the House for 1 minute.)

Mr. GOTTHEIMER. Mr. Speaker, I rise today for my first statement from the House floor, honored and humbled to serve as the Representative from New Jersey's Fifth Congressional District. I vow to work tirelessly on their behalf.

We are all tired of Washington's partisanship, and I will work across the aisle, whenever possible, to get things

done. New Jersey families and businesses are struggling with high taxes and not seeing good return on investment for the hard-earned tax dollars they send to Washington each year.

I will work to bring those dollars home to fight domestic terror, deal with opioid abuse, improve our schools, and fix our crumbling roads and bridges. I will work to bring good-paying jobs back to New Jersey and keep them there, to lower our taxes, cut wasteful spending and unnecessary regulations, and ensure every tax dollar is used wisely.

I will stand up for New Jersey values, ensuring that women, minorities, and the LGBT community are always treated with respect. I will have the backs of our veterans, law enforcement, firefighters, and all first responders. I will stand with Israel, ensure our children have clean drinking water, and stand up for equal pay and a woman's right to choose. I will work for everyone in the District.

Working together, I believe our best days will always be ahead of us.

#### LAW ENFORCEMENT APPRECIATION DAY

(Mr. YODER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YODER. Mr. Speaker, I rise today in recognition of Law Enforcement Appreciation Day, which was observed this week in honor of the contributions countless men and women in uniform have made to keep our communities safe and secure.

This year's observance was particularly difficult for our Kansas community. Over the last year, three police officers in my district made the ultimate sacrifice while in the line of duty. Brad Lancaster, Dave Melton of Kansas City, and Brandon Collins of Overland Park each lost their lives while protecting our community.

Law Enforcement Appreciation Day is a day to remember them and to honor the men and women who remain in the field each day keeping our children and families safe. They are the ones who run into danger when others run away. They are the true heroes, and we should always regard them as such. It is also a day to honor the United States Capitol Police to keep Congress, our staff, and our visitors in this very Chamber safe.

Mr. Speaker, let us never forget the service and sacrifice of our law enforcement officers, and let us continue to honor them with the gratitude and respect they deserve.

#### THANKING PRESIDENT OBAMA FOR THE CLARITY OF HIS MORAL LEADERSHIP, FOR HIS GRACE, AND HIS CLASS

(Mr. KILDEE asked and was given permission to address the House for 1 minute.)



Mr. KILDEE. Mr. Speaker, last night, President Obama delivered his farewell address to the Nation. Today, I rise to thank President Obama for his steady and his strong leadership over the past 8 years. He has served this Nation with dignity, with purpose, and helped us achieve some important successes during his tenure.

When he took office, this country was on the brink of a depression, facing a financial crisis unlike anything we have experienced. He has helped to put us on the right track, rebuilding the American auto industry and steady private sector job growth.

Now, we know we have a lot left to do, as he said last night. But he has given us the opportunity and the tools to continue that good work. No country, no nation, and certainly no government is dependent on any single individual. As he said, it is up to all of us, not just those of us in Congress or in public office but all citizens, to continue to work together to create the great society that we are all committed to.

But it would be a mistake to not take this moment to thank that individual, to thank President Obama, for the clarity of his moral leadership, for his grace, and his class. We owe him a great debt of gratitude.

#### SCIENCE-BASED INNOVATION IN THE FIELD OF WATER RIGHTS

(Mr. McNERNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McNERNEY. Mr. Speaker, I rise to continue a series of cool 1-minute science topics.

Today, I will speak about science-based innovations in the field of water rights. Previously, conflicts over water resource management have reduced agricultural productivity and distracted farmers with lawsuits and litigation. But researchers at the University of Illinois at Urbana-Champaign have developed an online system for farmers to trade groundwater pumping rights.

The National Science Foundation funded research that resulted in the creation of a new company, Mammoth Trading, which allows farmers to manage their lands and water rights to improve environmental conditions, improve resource allocation, and increase efficiency.

These innovations demonstrate the power of science to increase productivity and positively influence the market. Congress should continue to encourage this type of ingenuity and innovation through R&D science funding.

#### JACKI DIXON MARSH

(Mr. POLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLIS. Mr. Speaker, today, I would like to talk about a constituent

in my district, Jacki Dixon Marsh. Jacki is an entrepreneur. She owns a historic storefront in downtown Loveland. In fact, she is the only woman who owns commercial space in the neighborhood. She runs a gallery featuring the work of over 100 local artisans, actively supporting jobs and contributing to our community.

Jacki was also a competitive long-distance runner. In 1972, she won the first women's only road race in New York, and she continues to run.

Finally, she has a pacemaker. She suffers from cardiomyopathy, a rare heart disease she developed after contracting the flu. While the doctor gave her only 2 years to live, she exceeded that prognosis by three decades, but her health depends on replacing her pacemaker every 7 to 8 years.

Jacki is one of countless Americans for whom insurance through the Affordable Care Act is literally a matter of life or death. She says she pays a lot for her coverage, about 900 a month, but she told me she is excited to pay it. Before the Affordable Care Act, her precondition meant no coverage at all.

When I asked Jacki what message she wanted me to share with my colleagues in Congress, she made clear that I should share the message that her situation is not unique. We need to act to make sure that people like Jacki continue to have healthcare coverage rather than ending the provisions of the Affordable Care Act that they rely on.

#### PROVIDING FOR CONSIDERATION OF H.R. 78, SEC REGULATORY ACCOUNTABILITY ACT; PROVIDING FOR CONSIDERATION OF H.R. 238, COMMODITY END-USER RELIEF ACT; AND FOR OTHER PURPOSES

Mr. NEWHOUSE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 40 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 40

*Resolved*, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 78) to improve the consideration by the Securities and Exchange Commission of the costs and benefits of its regulations and orders. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services or their respective designees. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill are waived. No amendment to the bill shall be in order except those printed in part A of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered

only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. At any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 238) to reauthorize the Commodity Futures Trading Commission, to better protect futures customers, to provide end-users with market certainty, to make basic reforms to ensure transparency and accountability at the Commission, to help farmers, ranchers, and end-users manage risks, to help keep consumer costs low, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-2. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 3. On any legislative day during the period from January 16, 2017, through January 20, 2017—

(a) the Journal of the proceedings of the previous day shall be considered as approved; and

(b) the Chair may at any time declare the House adjourned to meet at a date and time,



within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment.

SEC. 4. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 3 of this resolution as though under clause 8(a) of rule I.

SEC. 5. It shall be in order at any time on the legislative day of January 13, 2017, for the Speaker to entertain motions that the House suspend the rules as though under clause 1 of rule XV. The Speaker or his designee shall consult with the Minority Leader or her designee on the designation of any matter for consideration pursuant to this section.

THE SPEAKER pro tempore (Mr. BOST). The gentleman from Washington is recognized for 1 hour.

Mr. NEWHOUSE. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), my good friend, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

#### GENERAL LEAVE

Mr. NEWHOUSE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

THE SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. NEWHOUSE. Mr. Speaker, on Tuesday, the Rules Committee met and reported a rule, House Resolution 40, providing for the consideration of two important pieces of legislation: H.R. 238, the Commodity End-User Relief Act, and H.R. 78, the SEC Regulatory Accountability Act.

The rule provides for the consideration of these measures under a structured rule and makes in order any amendment submitted to the House Rules Committee, including all five Democratic amendments to H.R. 78, as well as all eight amendments submitted for H.R. 238, allowing for a balanced debate on these very substantial issues.

H.R. 238 is essential to the smooth functioning of the American economy and is long overdue for enactment into law. This important legislation reauthorizes until 2021 the Commodity Futures Trading Commission, also known as the CFTC, which had its statutory authority lapse in 2013. The House passed the Commodity End-User Relief Act with bipartisan support in the 114th Congress, and a similar bill was also adopted in the 113th Congress, establishing a strong record of bipartisan support for this measure. Unfortunately, in both instances, the Senate failed to take up the legislation before the end of its respective Congress, which is why it is imperative that we pass this bill through both Chambers and send it to the President's desk.

After the financial crisis of 2008, practically everyone agreed that changes needed to be made to our fi-

nancial services sector in order to protect families, farmers, small businesses, and our economy, as well as to prevent another crisis in the future. Like many of my colleagues, I have concerns with some of the reforms that were instituted in response to the crisis because they have put overly burdensome restrictions and regulations on our economy and our business communities. But like every major, comprehensive law, there are always unintended consequences that need to be addressed, and H.R. 238 does exactly that.

For example, the authors of Dodd-Frank argued the law's main purpose was to reduce systemic risk to our economy. However, I don't think anyone would argue that farmers who are simply trying to lock in a good price for their corn or their wheat are a systemic risk to the economy. Similarly, restaurant chains looking to make sure they have enough beef, enough pork, or enough potatoes to sell to their customers don't pose a systemic risk, just as utility companies seeking to ensure that they have adequate power supplies to meet the needs and demands of their ratepayers did not cause the financial crisis. Unfortunately, the current law imposes rules that treat all of these entities as major risks to our economy, and it imposes overly burdensome capital and paperwork requirements on them.

Mr. Speaker, critics may claim that this bill undermines consumer protections. However, this could not be further from the truth.

Title I of the legislation puts in place greater consumer protections, like requiring brokerage firms to notify investors before moving funds from one account to another in order to prevent abuses like those that occurred at MF Global prior to its bankruptcy.

Title II makes reforms to the CFTC and strengthens the cost-benefit analysis the Commission must perform when considering the impacts of its rules. Opponents have claimed that requiring cost-benefit analyses will open up the CFTC to lawsuits. However, H.R. 238 merely gives the CFTC a standard for writing good rules the first time, which will be a benefit for all of us.

Title III provides relief to the farmers, the restaurants, the manufacturers, the utilities, and other entities which rely on a steady supply of commodities and inherently want to avoid risk but have been caught up in the unintended consequences of the Dodd-Frank reforms. These users have a genuine need to use markets to hedge against bad weather, natural disasters, inflation, price shocks, and other unforeseen circumstances that could jeopardize their ability to serve their customers.

The rule also provides for the consideration of H.R. 78, the SEC Regulatory Accountability Act. This legislation replaces guidance adopted by the SEC in 2012 that currently governs the use of

economic analysis in SEC rulemakings and requires the SEC to identify and assess the significance of problems prior to regulating. It directs the agency to conduct a review of existing regulations within 1 year of enactment—and then every 5 years thereafter—to determine the sufficiency, the effectiveness, and the burdens associated with their implementation. Further, H.R. 78 instructs the SEC's Chief Economist to conduct a cost-benefit analysis on regulations the agency is promulgating as well as to provide an explanation describing the SEC's decision-making process, including the implications of not taking the regulatory action.

Economic analysis is the cornerstone of prudent rulemaking and entails evaluating the qualitative and quantitative costs and benefits of proposed regulations as well as potential alternatives in order to determine the correct action an agency should take. We must ensure Federal regulators are thoroughly assessing both the need for the regulation and adequately evaluating its potential consequences—intended as well as unintended—to prevent small businesses and job creators from being unnecessarily burdened by onerous Federal regulations.

Mr. Speaker, this is a good, straightforward rule, allowing for the consideration of two bills that will hold Federal agencies and their rulemaking processes accountable to the American people. Voters sent a clear message in November that they want a Federal Government that is smaller, less intrusive, and more discerning in its regulatory actions. House Republicans created our A Better Way agenda by listening to Americans about the ideas for our Nation, and the new, unified Republican government will continue our work to change the status quo and provide real progress for all Americans. The adoption of this rule and the passage of the underlying bills is yet another opportunity to show that we heard this message loud and clear and that we will reinforce our commitment to restoring the people's voice in our Federal Government.

I am proud to support the rule providing for the consideration of these measures, and I urge my colleagues to support the rule and the underlying bills.

Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman for the customary 30 minutes.

Mr. Speaker, I rise in opposition to the rule and the underlying bills.

I start by, again, mentioning the fact that we have before us, under this rule, H.R. 238, the Commodity End-User Relief Act, and H.R. 78, the SEC Regulatory Accountability Act. I will talk about them in a minute.

There are 56 Members of this body who are new Members and who had no chance to participate in marking up

these bills in their committees of jurisdiction. Sure, I am back and Mr. NEWHOUSE is back, but 56 people who were in that Congress in December are not here now, and there are 56 new people.

Again, a regular order process would allow these bills to go through committee and have ideas and the participation from Democrats and Republicans, who represent, collectively, tens of millions of people in this country, in improving these bills. We did not allow it. These bills just appeared fait accompli in the Rules Committee yesterday. Here we are on the floor. None of the new Members had a chance in their committees to offer them.

□ 1245

In fact, I am not sure where the Republicans are in their process, but Democrats are still finalizing our committee assignments. We have some of them, and the rest will be completed shortly.

For Congress to work well, we need to have regular order. And for regular order to work, we need to make sure that the 56 new Members who represent tens of millions of people are not disenfranchised in this process.

Now, getting to the bills. H.R. 238, the Commodities End-User Relief Act, has been brought to the floor even before the Agriculture Committee convened or held its organizing meeting. It reauthorizes the Commodities Futures Trading Commission through 2021. It makes a lot of changes to internal changes and modifies a number of provisions that were designed to prevent financial meltdowns.

Additionally, H.R. 238 includes language on issues that the Commodities Futures Trading Commission has already addressed through its own efforts. For example, the Commodities Future Trading Commission has acted on 16 of 22 provisions in titles I and III. Particularly, many of us are concerned by the cross-border language in the bill, which would undercut efforts already underway by the Commission to negotiate an international system of safe and robust derivative rules.

H.R. 238 would actually require the Commodities Futures Trading Commission to create a rule that would automatically allow U.S. banks and foreign banks conducting business in the U.S. to do so under the rules imposed by foreign jurisdictions, which can be substantially different than those of our own, removing the confidence in the marketplace that is needed for a commodity market to work.

Finally, as you know, Congress passed a number of reforms to enable regulators to respond quickly to changing markets. The provisions in title II would weaken the CFTC's ability to respond in a timely and effective manner.

The financial services industry continues to innovate. It is important that regulators keep pace and prevent systemic risks, prevent meltdowns, pre-

vent bailouts. This bill would make it harder to do that.

An example of how the Commission is engaged with and talking about innovation is how to fully embrace emerging technologies like blockchain and decentralized distribution ledgers. They are doing that because many financial firms are focusing on how to incorporate this technology into their business models. Therefore, it is imperative the Commission is given the ability to stay involved and understand the implications of new technology and innovations and is not hamstrung by this overly prescriptive law.

Now, the Commission does need reauthorization, and I would love the opportunity to work with my colleagues on the other side to do so. It should be in a thoughtful, bipartisan manner that gives the agency the ability it needs to effectively look at incredibly complicated financial transactions, make sure that consumers and users of commodities that hedge their risks are not abused in the process. We do not want to hamstring the agency by unnecessary and counterproductive requirements as this bill does.

The other bill, H.R. 78, the SEC Regulatory Accountability Act, also was brought forward before the Financial Services Committee got organized. This bill was not even considered by the House last Congress, and it stalled in the Financial Services Committee. So you actually have a bill that didn't even clear committee last Congress. I was complaining about how the 56 Members that are new to this body didn't have a chance to put their imprint on the first bill. The second bill didn't even make it through the Financial Services Committee and didn't even pass the House floor last session. Yet, here it is without the appropriate committee consideration, depriving new Members representing tens of millions of Americans—Democratic and Republican—the ability to improve this bill.

Under the guise of regulation changes, H.R. 78 would actually require the SEC to conduct enhanced cost-benefit analysis in order to ensure that benefits of their regulation justify the cost. In effect, the bill directs the SEC to look at things like market liquidity and small businesses, which, of course, it already does as part of its economic analysis. So, again, it is a bill that would bury the SEC in regulatory paperwork.

H.R. 78's cost-benefit analysis is weighted toward helping large financial institutions save money. I support reducing costs for financial institutions. Who wouldn't? But that is not the primary drive of our regulatory structure. We should put consumers and our systemic risks first and foremost and, of course, where we can reduce the unnecessary costs for our financial institutions in the hope that those would be passed along to those they serve.

I, therefore, oppose both of these bills. I oppose the rule that limits the

opportunity for Members to offer amendments to these two pieces of legislation. I oppose this process that disenfranchises our new Members.

Mr. Speaker, I reserve the balance of my time.

Mr. NEWHOUSE. Mr. Speaker, I yield myself such time as I may consume.

First of all, in fact, if I could read from a letter I received this morning from over two dozen agricultural groups. In one sentence, it says: "Thank you in advance for your support of this bill that is so important to U.S. farmers, ranchers, hedgers and futures customers." It is signed, like I said, by over two dozen organizations.

I include in the RECORD the letter I received this morning, I think, as did my colleague, Representative POLIS, from over two dozen agricultural groups and associations located throughout the country in unanimous support of H.R. 238.

JANUARY 11, 2017.

DEAR MEMBER OF THE HOUSE OF REPRESENTATIVES: The undersigned organizations represent a very broad cross-section of U.S. production agriculture and agribusiness. We urge you to cast an affirmative vote on H.R. 238, the "Commodity End-User Relief Act," when it moves to the floor for consideration.

This legislation contains a number of important provisions for agricultural and agribusiness hedgers who use futures and swaps to manage their business and production risks. Some, but certainly not all, of the bill's important provisions include:

Sections 101–103—Codify important customer protections to help prevent another MF Global situation.

Section 104—Provides a permanent solution to the residual interest problem that would have put more customer funds at risk—and potentially driven farmers, ranchers and small hedgers out of futures markets—by forcing pre-margining of their hedge accounts.

Section 306—Relief from burdensome and technologically infeasible recordkeeping requirements in commodity markets.

Section 308—Requires the CFTC to conduct a study and issue a rule before reducing the de minimis threshold for swap dealer registration in order to make sure that doing so would not harm market liquidity and end-user access to markets.

Section 311—Confirms the intent of Dodd-Frank that anticipatory hedging is considered bona fide hedging activity.

Thank you in advance for your support of this bill that is so important to U.S. farmers, ranchers, hedgers and futures customers.

Sincerely,

American Cotton Shippers Association, American Farm Bureau Federation, American Feed Industry Association, American Soybean Association, Grain and Feed Association of Illinois, Kansas Grain and Feed Association, Michigan Agri-Business Association, Michigan Bean Shippers, National Association of Wheat Growers, National Cattlemen's Beef Association, National Corn Growers Association, National Cotton Council.

National Council of Farmer Cooperatives, National Grain and Feed Association, National Milk Producers Federation, National Pork Producers Council, National Sorghum Producers, Nebraska Grain and Feed Association, North American Millers Association, Northeast Agribusiness and Feed Alliance, Ohio AgriBusiness Association, South Dakota Grain and Feed Association, USA Rice, Wisconsin Agri-Business Association.

Mr. NEWHOUSE. Mr. Speaker, also, in response to just one of the points that my colleague brought up, in the first 2 weeks of this 115th Congress, the Speaker, as well as the chairman of the Rules Committee, Representative SESSIONS, has provided opportunity for all Members to appear before the Rules Committee, has invited all Members to submit amendments. In fact, I can gladly say and happily say that every amendment submitted on these two bills has been accepted, if they were proven to be germane.

In fact, one of the arguments made by my good friend is that the freshmen have not had an opportunity to weigh in on these two pieces of legislation. Actually, the young freshman from Maryland had an amendment brought forward, and it was accepted to bring for consideration on the floor. So I think the arguments fall hollow that Members have not had an opportunity to be heard.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. CONAWAY), the good chairman of the Agriculture Committee.

Mr. CONAWAY. Mr. Speaker, I rise today in support of the rule to provide consideration of H.R. 238, the Commodity End-User Relief Act.

I want to start by thanking Mr. NEWHOUSE, Chairman SESSIONS, and the entire Rules Committee for the time and work that they spent preparing this rule. I appreciate the committee's time, attention, and interest in the work of the Agriculture Committee.

I am especially gratified by their support of my push to authorize all of the unauthorized agencies and programs under our committee's jurisdiction. Last Congress, we came very close, but we fell one agency short. The Commodities Future Trading Commission ended the year as it began it, unauthorized.

The Commission, in fact, has not been reauthorized since October 2013. And since that time, the House of Representatives have voted twice to fix that problem. The most recent effort was in June of 2015. Tomorrow, if we pass H.R. 238, will be the third time this House has done its work on this oversight business. Under this rule, we have the opportunity to pick up where we left off and resume the House's debate on the Commodity End-User Relief Act.

The text of H.R. 238 is identical to the legislation passed by this House last Congress, except for four changes:

First, we included a specific annual spending authorization level, and it is set at the same level as last year's appropriations. This ensures compliance with the majority leader's floor protocols on both specific authorization levels and discretionary CutGo.

Next, two sections were removed because they were already signed into law.

Finally, we removed a section that required the Commission to report to Congress on the status of a pending Board of Trade registration applica-

tion. That application has been approved, so there is no longer a reason for the Commission to comply with that language.

Other than those four changes, the text of H.R. 238 includes every word passed by this House last Congress, including amendments offered by Mr. GALLEGOS to encourage diversity in the Office of the Chief Economist, as well as Mr. TAKAI to identify information security vulnerabilities.

This bill does not just reauthorize the CFTC. It also makes important process reforms and targeted changes to help Main Street businesses continue to access the risk management tools that they need to serve their customers.

Over the past 4½ years, the House Committee on Agriculture has held almost two dozen hearings examining the Commission and investigating the impacts that the Dodd-Frank Act has had on derivatives markets. What we have found is that some of the rules have had unintended consequences for farmers, ranchers, manufacturers, and other businesses who use these markets to protect themselves from uncertainty.

Our witnesses, many of whom were market participants struggling to comply with burdensome rules and ambiguous portions of underlying statute, were consistent in their call for relief. To address their concerns, H.R. 238 makes reforms that fall into three broad categories: customer protections, commission reforms, and end-user relief.

The Commodity End-User Relief Act does not roll back any of the key reforms made under Dodd-Frank. What it does, however, is allow Congress to keep its promise to Main Street America: Main Street did not cause the financial crisis, so Main Street should not have to pay for it. They shouldn't have to pay for it with new fees. They shouldn't have to pay for it in new compliance obligations. They shouldn't have to pay for it in higher transactions costs. And they shouldn't have to pay for it in lost opportunities to manage their business risks.

I would like to close by thanking Chairman AUSTIN SCOTT and Ranking Member DAVID SCOTT for doing much of the heavy lifting on the committee's issues. The two of them got deep into the weeds of financial reform.

I would also like to thank Mr. LUCAS, who is a sponsor emeritus of this bill. We have been working on this issue since he was chairman, and much of the bipartisan work he did remains in this bill.

I urge adoption of this rule and support for all the amendments that were made in order.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

When we defeat the previous question, I will offer an amendment to the rule to bring up legislation that would require the President and Vice President of the United States, their spouses and dependent children to disclose and

divest any personal financial holdings that could create a conflict of interest by placing them in a blind trust. This has been standard for previous Presidents, and this legislation ensures that that precedent continues.

In today's news conference moments ago, President-elect Trump said that he did not plan to follow with precedent and place his assets in a blind trust and would continue his direct ownership interest in them. President-elect Trump has refused to release his tax returns, refused to resolve conflicts of interest related to his business dealings. The American people expect the President to do what is best for the country and not what is best for his business or his pocket.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Mr. Speaker, to discuss our proposal, I yield 5 minutes to the distinguished gentlewoman from Massachusetts (Ms. CLARK), the lead sponsor of the bill that I am proud to co-sponsor.

Ms. CLARK of Massachusetts. Mr. Speaker, I rise today to urge my colleagues to vote "no" on the previous question so we can bring up the Presidential Conflicts of Interest Act.

Mr. Speaker, American families are worried. Over the last month, I have been flooded with messages from my constituents who are anxious about the direction of our country.

Never before has our country been forced to ask its incoming President if he is motivated by service to his country or if he is motivated by personal enrichment. Never before have we had a President-elect who will act as both landlord and tenant of a publicly owned property being used for private profit. Never before have we had the same people who are running a President's businesses also act as official advisers and agents. Never has a President-elect owed millions of dollars of debt to foreign banks.

The next administration will shape how our tax dollars are spent, who the Federal Government does business with, and the integrity of America's standing in the global economy.

Every President in modern history has taken voluntary steps to ensure his financial interests do not conflict with the needs of the American people. Yet, the current President-elect refuses to place his assets and his businesses in a blind trust.

The American people are left wondering whether their President-elect will work in their best interest or to line his own pockets.

Mr. Speaker, this is unprecedented. There should be no question about whether the administration will put the needs of Americans first. There is

nothing partisan about transparency and accountability that comes with being the leader of the free world. That is why we should all support the Presidential Conflicts of Interest Act.

This bill strengthens transparency in the Oval Office and guarantees that the needs of the American people will never compete with or be beholden to a President's financial interests. This bill ensures that the President and Vice President's assets are placed in a certified blind trust.

□ 1300

The bill also requires Presidential appointees to recuse themselves from matters involving the President's financial conflicts of interest. Every President in recent history, from President Johnson to President Obama, has voluntarily used some form of blind trust or placed their assets in an investment vehicle over which they had no control. Our bill simply aligns the President-elect and future Presidents with this long-held practice.

The American people are counting on our leadership. Every Democrat and every Republican should want to eliminate uncertainty and promote transparency and accountability in the executive branch. I ask my colleagues to vote "no" on the previous question so we can bring this urgently needed legislation to the floor.

Mr. NEWHOUSE. Mr. Speaker, while I applaud the optimism and enthusiasm of the gentleman from Colorado (Mr. POLIS) about defeating the previous question, getting back to the debate on the rule, I have no further speakers, and I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I am prepared to close, and I yield myself the balance of my time.

I just want to emphasize how important it is that we defeat the previous question. There are so many questions that have been raised. Not only is it in keeping with longstanding precedent for the President to divest and place their assets in a blind trust, but it is more important than ever with this President who has a complex web of assets, nationally and internationally, which are rife with conflicts of interest for the incoming administration.

I truly hope we can act in a bipartisan way to defeat the previous question and bring forward Ms. CLARK's simple, straightforward bill. It affects future Presidents, Republican and Democratic, and it is a very simple, commonsense piece of legislation simply saying that they will divest and place their assets in a blind trust, something that is important for both the appearance of propriety as well as for the sake of propriety.

And yet instead of focusing on legislation to investigate foreign powers undermining our recent election, instead of focusing on preventing conflicts of interest for the incoming administration, instead of focusing on legislation that would create jobs, reduce our deficit, or improve on health care, instead

we have partisan legislation that hasn't gone through regular order. It has left 56 new Members representing tens of millions of Americans on the sideline.

The House passed a lot of legislation last Congress. That does not mean that we should bring every bill directly to the floor and skip the committee process, because there are 56 new Members who should also have a chance to put their imprint on legislation. The way the majority is bringing bills to the floor, it ignores the concerns of the American public; it ignores pressing issues related to the incoming President.

We have this window of time under the outgoing President to send a bill to his desk to require disclosure and divestment from the new President, but that window is rapidly closing. We will only have President Obama in the White House for another week, so time is running short.

If we act now and defeat the previous question, hopefully the Senate will act within a few days, and we can get the bill to President Obama. But the timeline is very, very short to do this. I do not expect that Mr. Trump would sign a bill that puts additional requirements on himself, although he would perhaps change that bill to affect future Presidents because it needs to be done. It is kind of shocking that we relied on precedents rather than law in this area.

I urge my colleagues to vote "no" and defeat the previous question so I can bring forward Ms. CLARK's bill as my amendment. I urge my colleagues to vote "no" on the rule, and I urge my colleagues to vote "no" on the underlying bill.

I yield back the balance of my time.

Mr. NEWHOUSE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I certainly appreciate the discussion over the past few minutes. I believe that this rule and the underlying bills are strong measures that are important to the future of our country.

This rule provides for ample debate on the floor, the opportunity to consider and vote on both H.R. 238 and H.R. 78, as well as every amendment that was submitted to the House Rules Committee, which reflects the balanced, open, and deliberative process afforded by this rule.

H.R. 238 is a solid, substantial measure that will address several critical issues that the CFTC and end user are facing, while also addressing the CFTC's lapsed reauthorization with reauthorizing the Commission through 2021. While some opponents have called for an open rule, this structured rule makes all eight submitted amendments in order.

Mr. Speaker, no one wants to see complete deregulation of our financial services industries and our commodities and derivatives markets. However, it is critical that the regulations put in place are appropriate for our

economy and our users. These rules have to provide safeguards and prevent systemic risk but should not hinder our entire economy with one-size-fits-all regulations.

As we have discussed today, the current rules place enormous compliance and financial burdens on small businesses, on farmers and ranchers, utilities, and manufacturers. They take these small, risk-averse entities and place them under the same regulatory scheme as large financial institutions and hedge funds. H.R. 238 will differentiate and exempt the end users who are not a cause of systemic risk—as these entities inherently want to avoid risk—and, thus, shouldn't be subject to the same rules and requirements as financial and investment firms that are less risk averse in nature.

The Commodity End-User Relief Act would make much-needed reforms at the CFTC to strengthen their rule-making process and add commonsense consumer protections so these regulations are not a continual burden on our Nation's farmers and small businesses.

Mr. Speaker, the rule also provides for consideration of H.R. 78 under a structured rule and makes all five Democratic amendments in order. This legislation takes important steps to engrain a stronger commitment to economic analysis at the SEC, which will facilitate the promulgation of reasonable rules that do not unduly burden registered companies or negatively impact job creation. The measure will increase transparency and oversight, while facilitating additional analysis and reviews of existing regulations, which should be something that all Members of this body can support.

As elected Representatives, I believe we must ensure our regulatory framework is not politicized and that Federal regulators are thoroughly assessing both the need for the regulation as well as adequately evaluating its potential consequences. This bill takes important steps towards achieving all of these goals.

It is important to remember that the financial crisis was not caused by the farmer who grows the food you eat for dinner, or by the utility you buy electricity from, or by the people who provide the wood in your desk or the metal used in your car. I don't know of any reason why we should continue to treat them as if they were responsible, which is what the current law does and is what H.R. 238 seeks to correct.

Further, better informing the American people of the true impact of major regulations does nothing to diminish the ability of regulators to adequately address illegal or inappropriate activities but, rather, increases transparency and the efficacy of Federal rules, which is why passage of H.R. 78 is so critical both to our constituents and to our economy.

Mr. Speaker, this is a strong rule that provides for open and fair consideration of these vital pieces of legislation as well as every amendment that

was submitted to the House Rules Committee. I am proud to speak in favor of this rule, and I urge all of my colleagues to support House Resolution 40 and both of the underlying bills.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 40 OFFERED BY  
MR. POLIS

At the end of the resolution, add the following new sections:

SEC. 6. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 371) to address financial conflicts of interest of the President and Vice President. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 7. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 371.

THE VOTE ON THE PREVIOUS QUESTION: WHAT  
IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate

vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. NEWHOUSE. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on agreeing to the resolution, if ordered; and suspending the rules and passing H.R. 39.

The vote was taken by electronic device, and there were—yeas 232, nays 168, not voting 34, as follows:

[Roll No. 32]

YEAS—232

Abraham  
Aderholt  
Allen  
Amash  
Amodei  
Arlington  
Babin  
Bacon  
Banks (IN)  
Barletta  
Barr  
Barton  
Bergman  
Beutler  
Biggs  
Bilirakis

Bishop (MI)  
Bishop (UT)  
Black  
Blackburn  
Blum  
Bost  
Brady (TX)  
Brat  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Buchanan  
Buck  
Bucshon  
Budd  
Burgess

Byrne  
Calvert  
Carter (GA)  
Carter (TX)  
Chabot  
Chaffetz  
Cheney  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Comer  
Comstock  
Conaway  
Cook  
Costello (PA)

Cramer  
Crawford  
Culberson  
Davidson  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Donovan  
Duffy  
Duncan (SC)  
Duncan (TN)  
Dunn  
Emmer  
Farenthold  
Faso  
Ferguson  
Fitzpatrick  
Fleischmann  
Flores  
Fortenberry  
Fox  
Franks (AZ)  
Frelinghuysen  
Gaetz  
Gallagher  
Garrett  
Gibbs  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (LA)  
Graves (MO)  
Griffith  
Grothman  
Guthrie  
Harper  
Hartzler  
Hensarling  
Hice, Jody B.  
Higgins (LA)  
Hill  
Holding  
Hollingsworth  
Hudson  
Huizenga  
Hultgren  
Hunter  
Hurd  
Issa  
Jenkins (KS)  
Jenkins (WV)  
Johnson (LA)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan

Joyce (OH)  
Katko  
Kelly (MS)  
Kelly (PA)  
King (IA)  
King (NY)  
Kinzinger  
Knight  
Kustoff (TN)  
Labrador  
LaHood  
LaMalfa  
Lamborn  
Lance  
Latta  
Lewis (MN)  
LoBiondo  
Long  
Loudermilk  
Love  
Lucas  
Luetkemeyer  
MacArthur  
Marchant  
Marino  
Marshall  
Massie  
Mast  
McCarthy  
McCaul  
McClintock  
McHenry  
McKinley  
McMorris  
Rodgers  
McSally  
Meadows  
Meehan  
Messer  
Mitchell  
Moonen  
Mooney (WV)  
Murphy (PA)  
Newhouse  
Noem  
Nunes  
Olson  
Palazzo  
Palmer  
Paulsen  
Pearce  
Perry  
Pittenger  
Poe (TX)  
Poliquin  
Posey  
Ratcliffe  
Reed  
Reichert  
Renacci  
Rice (SC)  
Roby

Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rohrabacher  
Rokita  
Rooney, Francis  
Rooney, Thomas J.  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Rouzer  
Royce (CA)  
Russell  
Rutherford  
Sanford  
Scalise  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Simpson  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smucker  
Stefanik  
Stewart  
Stivers  
Taylor  
Tenney  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Trott  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walker  
Walorski  
Walters, Mimi  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westerman  
Williams  
Wilson (SC)  
Wittman  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IA)  
Zeldin

NAYS—168

Adams  
Aguilar  
Cummings  
Barragan  
Beatty  
Bera  
Beyer  
Blumenauer  
Blunt Rochester  
Bonamici  
Boyle, Brendan F.  
Brady (PA)  
Brownley (CA)  
Bustos  
Capuano  
Carbajal  
Cárdenas  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu, Judy  
Cicilline  
Clark (MA)  
Clarke (NY)  
Cleave  
Cohen  
Connolly  
Conyers  
Cooper  
Correa  
Costa  
Courtney  
Crist  
Crowley

Cuellar  
Huffman  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Demings  
DeSaulnier  
Deutch  
Dingell  
Doggett  
Doyle, Michael F.  
Ellison  
Engel  
Eshoo  
Español  
Esty  
Foster  
Frankel (FL)  
Gabbard  
Gallego  
Garamendi  
Gonzalez (TX)  
Gottheimer  
Green, Gene  
Grijalva  
Hanabusa  
Hastings  
Heck  
Higgins (NY)  
Himes

Hoyer  
Jeffries  
Kaptur  
Keating  
Kennedy  
Khanna  
Kihuen  
Kildee  
Kilmer  
Kind  
Krishnamoorthi  
Kuster (NH)  
Langevin  
Larsen (WA)  
Larson (CT)  
Lawrence  
Lawson (FL)  
Levin  
Lieu, Ted  
Lipinski  
Loebbeck  
Lofgren  
Lowenthal  
Lowe  
Lujan Grisham, M.  
Luján, Ben Ray  
Lynch  
Maloney, Carolyn B.  
Maloney, Sean  
Matsui  
McEachin

NOT VOTING—31□ 1332

AYES—233

[Roll No. 34]YEAS—386

Abraham	Beyer	Brownley (CA)
Adams	Biggs	Buchanan
Aderholt	Billirakis	Buchson
Aguilar	Bishop (MI)	Burgess
Allen	Bishop (UT)	Bustos
Amodio	Black	Byrne
Arrington	Blackburn	Calvert
Babin	Blum	Capuano
Bacon	Blumenauer	Carbajal
Banks (IN)	Blunt Rochester	Cárdenas
Barletta	Bonomaci	Carson (IN)
Barr	Bost	Carter (GA)
Barragán	Boyle, Brendan	Carter (TX)
Barton	F.	Cartwright
Beatty	Brady (PA)	Castor (FL)
Bera	Brady (TX)	Castro (TX)
Bergman	Bridenstine	Chabot
Beutler	Brooks (IN)	Chaffetz



Cheney  
Chu, Judy  
Ciocline  
Clark (MA)  
Clarke (NY)  
Cleave  
Coffman  
Cohen  
Cole  
Collins (GA)  
Collins (NY)  
Comer  
Comstock  
Conaway  
Connolly  
Conyers  
Cook  
Cooper  
Correa  
Costa  
Costello (PA)  
Courtney  
Cramer  
Crawford  
Crist  
Crowley  
Cuellar  
Culberson  
Cummings  
Curbelo (FL)  
Davidson  
Davis (CA)  
Davis, Danny  
Davis, Rodney  
DeFazio  
DeGette  
Delaney  
DeLauro  
DeBene  
Demings  
Denham  
Dent  
DeSantis  
DeSaulnier  
DesJarlais  
Deutch  
Diaz-Balart  
Dingell  
Doggett  
Donovan  
Doyle, Michael  
F.  
Duffy  
Duncan (SC)  
Duncan (TN)  
Dunn  
Ellison  
Emmer  
Engel  
Eshoo  
Espallat  
Esty  
Farenthold  
Faso  
Ferguson  
Fitzpatrick  
Fleischmann  
Flores  
Fortenberry  
Foster  
Foxy  
Frankel (FL)  
Franks (AZ)  
Frelinghuysen  
Gabbard  
Gaetz  
Gallagher  
Galleo  
Garamendi  
Garrett  
Gibbs  
Gonzalez (TX)  
Goodlatte  
Gottheimer  
Gowdy  
Granger  
Graves (GA)  
Graves (LA)  
Graves (MO)  
Green, Gene  
Grijalva  
Guthrie  
Gutiérrez  
Hanabusa  
Harper  
Hartzler  
Hastings  
Heck  
Hensarling

Hice, Jody B.  
Higgins (LA)  
Higgins (NY)  
Hill  
Himes  
Holding  
Hollingsworth  
Hoyer  
Hudson  
Huffman  
Huizenga  
Hultgren  
Hurd  
Issa  
Jayapal  
Jeffries  
Jenkins (KS)  
Jenkins (WV)  
Johnson (LA)  
Johnson (OH)  
Johnson, Sam  
Joyce (OH)  
Kaptur  
Katko  
Keating  
Kelly (MS)  
Kelly (PA)  
Kennedy  
Khanna  
Kihuen  
Kildee  
Kilmer  
Kind  
King (IA)  
King (NY)  
Kinzinger  
Knight  
Krishnamoorthi  
Kuster (NH)  
Kustoff (TN)  
LaHood  
LaMalfa  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latta  
Lawrence  
Lawson (FL)  
Levin  
Lewis (MN)  
Lieu, Ted  
Lipinski  
LoBiondo  
Loeb  
Loeb  
Lofgren  
Long  
Loudermilk  
Love  
Lowenthal  
Lowey  
Lucas  
Luetkemeyer  
Lujan Grisham,  
M.  
Lujan, Ben Ray  
Lynch  
MacArthur  
Maloney  
Maloney, Sean  
Marchant  
Marino  
Marshall  
Mast  
Matsui  
McCarthy  
McCaul  
McClintock  
McCollum  
McEachin  
McGovern  
McHenry  
McKinley  
McMorris  
Rodgers  
McNerney  
McSally  
Meadows  
Meehan  
Meeks  
Meng  
Messer  
Mitchell  
Moolenaar  
Mooney (WV)  
Moulton  
Mullin

Murphy (FL)  
Murphy (PA)  
Napolitano  
Neal  
Newhouse  
Noem  
Nolan  
Norcross  
Nunes  
O'Halleran  
O'Rourke  
Olson  
Palazzo  
Pallone  
Palmer  
Panetta  
Pascarelli  
Paulsen  
Pearce  
Pelosi  
Peters  
Peterson  
Pingree  
Pittenger  
Pocan  
Poliquin  
Polis  
Posey  
Price (NC)  
Quigley  
Raskin  
Ratcliffe  
Reed  
Reichert  
Renacci  
Rice (NY)  
Rice (SC)  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rohrabacher  
Rokita  
Rooney, Francis  
Rooney, Thomas  
J.  
Ros-Lehtinen  
Rosen  
Roskam  
Ross  
Rothfus  
Rouzer  
Roybal-Allard  
Royce (CA)  
Ruiz  
Ruppersberger  
Russell  
Sánchez  
Sarbanes  
Scalise  
Schakowsky  
Schiff  
Schneider  
Schrader  
Schweikert  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Serrano  
Sessions  
Sewell (AL)  
Shea-Porter  
Sherman  
Shimkus  
Shuster  
Simpson  
Sinema  
Sires  
Slaughter  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Smucker  
Soto  
Speier  
Stefanik  
Stewart  
Stivers  
Suozi  
Swalwell (CA)  
Takano  
Taylor  
Tenney  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)

Thornberry  
Tiberi  
Tipton  
Titus  
Tonko  
Torres  
Trott  
Tsongas  
Turner  
Upton  
Valadao  
Vargas  
Veasey  
Vela

Velázquez  
Visclosky  
Wagner  
Walberg  
Walden  
Walker  
Walorski  
Walters, Mimi  
Walz  
Wasserman  
Schultz  
Weber (TX)  
Webster (FL)  
Welch

Wenstrup  
Westerman  
Williams  
Wilson (FL)  
Wilson (SC)  
Wittman  
Womack  
Woodall  
Yarmuth  
Yoder  
Yoho  
Young (AK)  
Young (IA)  
Zeldin

## NAYS—17

Amash  
Brat  
Brooks (AL)  
Buck  
Budd  
Gohmert

## NOT VOTING—31

Bass  
Becerra  
Bishop (GA)  
Brown (MD)  
Butterfield  
Clay  
Clyburn  
Evans  
Fudge  
Green, Al  
Harris

Gosar  
Griffith  
Grothman  
Hunter  
Jones  
Jordan  
Jackson Lee  
Johnson (GA)  
Johnson, E. B.  
Kelly (IL)  
Lee  
Lewis (GA)  
Moore  
Mulvaney  
Nadler  
Payne  
Perlmutter

Labrador  
Massie  
Perry  
Poe (TX)  
Sanford  
Pompeo  
Price, Tom (GA)  
Richmond  
Rush  
Rutherford  
Ryan (OH)  
Waters, Maxine  
Watson Coleman  
Zinke

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

## □ 1346

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. BROWN of Maryland. Mr. Speaker, I regretfully was absent from the following votes in order to attend the Senate confirmation hearing for Attorney General nominee Senator SESSIONS. Had I been present, I would have voted "nay" on rollcall No. 32, "nay" on rollcall No. 33, and "yea" on rollcall No. 34.

## PERSONAL EXPLANATION

Mr. CLAY. Mr. Speaker, I attended Senate confirmation hearing for U.S. Attorney General in Judiciary Committee. Had I been present, I would have voted "nay" on rollcall No. 32, "nay" on rollcall No. 33, and "yea" on rollcall No. 34.

## PERSONAL EXPLANATION

Mr. EVANS. Mr. Speaker, I attended Senate hearing. Had I been present, I would have voted "nay" on rollcall No. 32, "nay" on rollcall No. 33, and "yea" on rollcall No. 34.

## PERSONAL EXPLANATION

Ms. JACKSON LEE. Mr. Speaker, on Wednesday, January 11, 2017, I was unavoidably detained attending to representation duties and was not present for rollcall Votes 32 through 34. Had I been present, I would have voted as follows: On rollcall 32, I would have voted "no." On rollcall 33, I would have voted "no." On rollcall 34, I would have voted "aye."

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

REGULATORY ACCOUNTABILITY  
ACT OF 2017

## GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 5.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore (Mr. ALLEN). Pursuant to House Resolution 33 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5.

The Chair appoints the gentleman from Illinois (Mr. BOST) to preside over the Committee of the Whole.

## □ 1350

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5) to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents, to clarify the nature of judicial review of agency interpretations, to ensure complete analysis of potential impacts on small entities of rules, and for other purposes, with Mr. BOST in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is a new day in America. For 8 years, the Obama administration has brought us one thing in response to the Nation's need for recovery from hard times—failure.

Bold, innovative measures to unleash American freedom, opportunity, and resourcefulness could have brought prosperity's return after the Great Recession, just as under Ronald Reagan following his era's recession.

But the Obama administration responded differently, with measure after overreaching measure, through regulation, taxes, and spending. It was consumed by the folly of trying to force transformation from the American people through command and control from Washington. Everywhere it went, it sought to choose the winners and losers.

When Washington tries to choose the winners and losers, we all lose. And lose we have. We have a national debt of \$20 trillion thanks to the outgoing administration's blowout spending. We have an economy that for 8 years has failed to produce enough good, new, full-time jobs to sustain growth and restore dignity to the unemployed. We

have 92 million Americans outside the workforce, a level not seen since the Carter years, and nearly \$2 trillion of American wealth is commandeered each year to be spent as Washington bureaucrats see fit, through runaway regulation.

But it is a new day in America. An incoming administration promises a new approach to make America great again. Central to that approach is regulatory reform. The Obama administration abused regulation to force its will on the American people. The assembling Trump administration promises to wipe out abusive regulation, freeing Americans to innovate and prosper once more. Today's legislation will give this new administration the tools.

The heart of today's bill, the Regulatory Accountability Act, title I, restores to the people the true right to be heard by Washington's regulators. It commands Washington bureaucrats to listen to the facts and ideas offered by the people and to follow them when they are better than the bureaucracy's own. It calls on regulatory agencies to achieve the benefits Congress has called on them through statutes to achieve. But it gives the people full opportunities to offer fresh alternatives for doing so and to vet with the agencies the facts and ideas that work and those that don't.

After the public has fully contributed its say, agencies must choose the lowest cost alternative proven to work, achieving the needed benefits but rejecting unneeded costs. That leaves resources free to generate the benefits, create the jobs, and yield the higher wages only the private sector, through hard work and ingenuity, can achieve.

The other titles of the bill strongly buttress this reform.

Title II, the Separation of Powers Restoration Act, wipes out judicial deference to agency interpretations of statutes and regulations and restores to our system of checks and balances the rule Justice Marshall declared in *Marbury v. Madison* that "it is emphatically the province and duty of the judicial department to say what the law is"—not the bureaucracy. When title II is law, our courts will no more be rubber stamps for runaway regulatory interpretations that burst the bounds of what Congress truly intended through statutes.

Title III, the Small Business Regulatory Flexibility Improvements Act, provides teeth to existing law written to prompt regulatory agencies to tailor flexibility for small businesses into their rules. Small businesses have fewer resources to comply with Washington's mandates. They need flexibility to survive. The terms of existing law for too long have been ignored by Washington bureaucrats. Title III assures the law will no longer be ignored, resulting in freedom and flexibility for America's small businesses, which create the lion's share of new jobs in this country and are pillars of communities across this land.

Title IV prevents one of the most egregious of bureaucrats' regulatory abuses: the promulgation of new rules that impose over a billion dollars in annual compliance costs, which must then be complied with even while meritorious litigation challenging their issuance proceeds in court. Title IV, the REVIEW Act, eliminates this abuse, forcing agencies to stay their billion-dollar rules administratively if they are timely challenged in court.

And in titles V and VI of the bill, the ALERT Act and the Providing Accountability Through Transparency Act, this legislation delivers much-needed, greater transparency for the public about what new regulations agencies are developing and proposing so they can better prepare to comment on what is proposed, shape what is promulgated, and comply with final rules.

With the help of these reforms, we can truly make America more competitive again, put Americans back to work, and free America's entrepreneurs to innovate and launch more exciting new products and services again.

I thank my colleagues, Small Business Committee Chairman CHABOT, Subcommittee Chairman MARINO, Representative RATCLIFFE, and Representative LUETKEMEYER, who have joined me in contributing titles to this legislation.

I urge all of my colleagues to support this bill, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,  
Washington, DC, January 6, 2017.

Hon. BOB GOODLATTE,  
*Chairman, Committee on the Judiciary, Washington, DC.*

DEAR MR. CHAIRMAN: I write concerning H.R. 5, the Regulatory Accountability Act of 2017. As you know, the Committee on the Judiciary received an original referral and the Committee on Oversight and Government Reform a secondary referral when the bill was introduced on January 3, 2017. I recognize and appreciate your desire to bring this legislation before the House of Representatives in an expeditious manner, and accordingly, the Committee on Oversight and Government Reform will forego action on the bill.

The Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 5 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation. Further, I request your support for the appointment of conferees from the Committee on Oversight and Government Reform during any House-Senate conference convened on this or related legislation.

Finally, I would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration to memorialize our understanding.

Sincerely,

JASON CHAFFETZ,  
*Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, January 6, 2017.

Hon. JASON CHAFFETZ,  
*Chairman, Committee on Oversight and Government Reform, Washington, DC.*

DEAR CHAIRMAN CHAFFETZ: Thank you for consulting with the Committee on the Judiciary and agreeing to be discharged from further consideration of H.R. 5, the "Regulatory Accountability Act," so that the bill may proceed expeditiously to the House floor.

I agree that your foregoing further action on this measure does not in any way diminish or alter the jurisdiction of your committee or prejudice its jurisdictional prerogatives on this bill or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees from your committee to any House-Senate conference on this legislation.

I will seek to place our letters on H.R. 5 into the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,

BOB GOODLATTE  
*Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON SMALL BUSINESS,  
Washington, DC, January 6, 2017.

Hon. BOB GOODLATTE,  
*Chairman, Committee on the Judiciary, House of Representatives.*

DEAR CHAIRMAN GOODLATTE: I am writing to you regarding H.R. 5, the "Regulatory Accountability Act of 2017." The legislation falls within the jurisdiction of the Committee on Small Business pursuant to Rule X, c1.1(q) of the Rules of the House.

In the interest of permitting the Committee on the Judiciary to proceed expeditiously to consideration of H.R. 5 on the House floor, I agree that the Committee on Small Business be discharged from further consideration of the bill. I do so with the understanding that by waiving consideration of the bill, the Committee on Small Business does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction. I request that you urge the Speaker to name members of the Committee on Small Business to any House-Senate conference that may be convened on this legislation.

Finally, I would appreciate your response to this letter and would ask that a copy our exchange of letters be included in the Congressional Record during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this issue and others between our respective committees.

Sincerely,

STEVE CHABOT,  
*Chairman.*

CONGRESS OF THE UNITED STATES,  
Washington, DC, January 6, 2017.

Hon. STEVE CHABOT,  
*Chairman, Committee on Small Business.*

DEAR CHAIRMAN CHABOT: Thank you for consulting with the Committee on the Judiciary and agreeing to be discharged from further consideration of H.R. 5, the "Regulatory Accountability Act," so that the bill may proceed expeditiously to the House floor.

I agree that your foregoing further action on this measure does not in any way diminish or alter the jurisdiction of your committee or prejudice its jurisdictional prerogatives on this bill or similar legislation in

the future. I would support your effort to seek appointment of an appropriate number of conferees from your committee to any House-Senate conference on this legislation.

I will seek to place our letters on H.R. 5 into the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,

BOB GOODLATTE,  
*Chairman.*

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition, of course, to H.R. 5, the so-called Regulatory Accountability Act.

Under the guise of improving the regulatory process, H.R. 5 will, in truth, undermine that process and jeopardize the ability of government agencies to safeguard public health and safety, the environment, workplace safety, and consumer financial protections.

It is not a pleasant picture. The ways in which this legislation accomplishes this result are almost too numerous to list here, but, of course, I will mention a few.

For example, title I of the bill would impose more than 70 new analytical requirements that will add years to the rulemaking process.

Is that what we want to do? I don't think so.

Worse yet, many of these new requirements are intended to facilitate the ability of regulated entities—such as well-funded corporate interests—to intervene and derail regulatory protections they oppose. And it would function as a “super-mandate,” overriding critical laws that Congress specifically intended to prohibit agencies from considering costs when American lives are at stake.

Additionally, the bill creates numerous procedural hurdles in the rulemaking process, further endangering American lives through years of delay and increasing the likelihood of regulatory capture.

□ 1400

For example, H.R. 5 dramatically expands the use of formal rulemaking, a time- and resource-intensive process, requiring formal, trial-like hearings for certain rules. Formal rulemaking has long been roundly rejected for good cause as being excessively costly and ill-suited for complex policy issues.

The administrative section of the American Bar Association noted that “these provisions run directly contrary to a virtual consensus in the administrative law community that the Administrative Procedure Act formal rulemaking procedure is obsolete.”

I am also concerned that H.R. 5 would impose an arbitrary, one-size-fits-all, 6-month delay on virtually every new rule. Specifically, title V of the bill will prohibit agency rules from becoming effective until the information required by the bill has been available online for 6 months with only limited exception.

Clearly, H.R. 5 fails to take into account a vast array of time-sensitive rules ranging from the mundane, such as the frequent United States Coast Guard bridge closings regulations, to those that protect public health and safety, such as forthcoming updates to the Lead and Copper Rule by the Environmental Protection Agency to reduce the lead in public drinking water.

Finally, title II of H.R. 5 would eliminate judicial deference to agencies and require Federal courts to review all agency rulemakings and interpretations of statutes on a *de novo* basis. The unfortunate result of this requirement is that the bill would empower a generalist court to override the determinations of agency experts, regardless of the judge's technical knowledge and understanding of the underlying subject matter.

By eliminating any deference to agencies, H.R. 5 would force agencies to adopt even more detailed factual records and explanations, which would further delay the finalization of critical lifesaving regulatory protections.

The Supreme Court has recognized that Federal courts simply lack the subject-matter expertise of agencies, are politically unaccountable, and should not engage in making substantive determinations from the bench. It is ironic that those who have long decried judicial activism now support facilitating a greater role for the judiciary in agency rulemaking.

These are only a few of the many serious concerns presented by H.R. 5, and, accordingly, I urge my colleagues to strongly oppose this dangerous legislation.

Mr. Chairman, I reserve the balance of my time.

AFL-CIO  
LEGISLATIVE ALERT,  
Washington, DC, January 10, 2017.

DEAR REPRESENTATIVE: On behalf of the AFL-CIO, I am writing to express our strong opposition to H.R. 5, the Regulatory Accountability Act of 2017. This sweeping bill, which packages six anti-regulatory measures passed by the House in the last Congress, would upend 40 years of labor, health, safety and environmental laws, threaten new needed protections leaving workers and the public in danger. The AFL-CIO urges you to oppose this harmful legislation.

The Regulatory Accountability Act (RAA) is drafted as an amendment to the Administrative Procedure Act (APA), but it goes far beyond establishing procedures for rulemaking. The RAA acts as a “super mandate” overriding the requirements of landmark legislation such as the Occupational Safety and Health Act and Mine Safety and Health Act. The bill would require agencies to adopt the least costly rule, instead of the most protective rule as is now required by the OSH Act and MSH Act. It would make protecting workers and the public secondary to limiting costs and impacts on businesses and corporations.

The RAA will not improve the regulatory process; it will cripple it. The bill adds dozens of new analytical and procedural requirements to the rulemaking process, adding years to an already slow process. The development of major workplace safety rules already takes 8–10 years or more, even for rules where there is broad agreement be-

tween employers and unions on the measures that are needed to improve protections. OSHA's silica standard to protect workers from deadly silica dust took nearly 19 years and the beryllium standard 15 years. The RAA will further delay needed rules and cost workers their lives.

The RAA substitutes formal rulemaking for the current procedures for public participation for high impact rules and other major rules upon request. These formal rulemaking procedures will make it more difficult for workers and members of the public to participate, and give greater access and influence to business groups that have the resources to hire lawyers and lobbyists to participate in this complex process. For agencies that already provide for public hearings, such as OSHA and MSHA, the bill would substitute formal rulemaking for the development of all new rules, overriding the effective public participation processes conducted by these agencies.

H.R. 5 would subject all agencies—including independent agencies like the Securities and Exchange Commission, the National Labor Relations Board (NLRB), Consumer Product Safety Commission (CPSC), and the Consumer Financial Protection Bureau (CFPB) to these new analytical and procedural requirements. It would be much more difficult for agencies to develop and issue new financial reform rules and consumer protection rules required under recently enacted legislation.

This radical legislation doesn't just apply to regulations; it would also require agencies to analyze the costs and benefits of major guidance documents, even though these documents are non-binding and have no legal force. Guidance documents are an important tool for agencies to disseminate information on significant issues and hazards quickly in order to protect the public and workers. For example, in response to the Ebola virus threat, the Centers for Disease Control (CDC) issued critical guidance documents in order to prevent the spread of disease, including recommendations for infection control and protections for healthcare workers and emergency responders. Similar guidance was issued to prevent transmission of the Zika virus. Under the RAA's provisions, CDC would be required to assess the costs and benefits of these major guidance documents, making it virtually impossible to provide information and recommendations in a timely manner.

H.R. 5 also includes a grab bag of other harmful anti-regulatory measures that thwart, weaken and undermine protections. The Separation of Powers Restoration Act abolishes judicial deference to agencies' statutory interpretations in rulemaking requiring a court to decide all relevant questions of law *de novo*, allowing courts to substitute their own policy judgments for the agencies' expert policy determinations. The Small Business Regulatory Flexibility Improvements Act (SBRFIA) imposes numerous unnecessary new analytical and procedural requirements on all agencies. It gives the Chief Counsel of the Small Business Administration's (SBA) Office of Advocacy, which in practice operates largely as a mouthpiece for large business interests, new broad powers to second guess and challenge agency rules. The Require Evaluation before Implementing Executive Wishlists Act (REVIEW Act) would automatically stay the implementation of any rule with an estimated annual cost of \$1 billion that has been challenged, precluding courts from making this decision, and delaying protections. Other titles add even more unnecessary requirements to the rulemaking process.

The Regulatory Accountability Act would gut the nation's safety, health and environmental laws, stripping away protections

from workers and the public. It would tilt the regulatory process solidly in favor of business groups and others who want to stop regulations and make it virtually impossible for the government to issue needed safeguards. The AFL-CIO strongly opposes H.R. 5 and urges you to vote against this dangerous legislation.

Sincerely,

WILLIAM SAMUEL,  
*Director, Government Affairs Department.*

CONSUMER REPORTS,  
*January 10, 2017.*

HOUSE OF REPRESENTATIVES,  
*Washington, DC.*

DEAR REPRESENTATIVE: Consumer Reports and its policy and mobilization arm, Consumers Union, urge you to vote no on H.R. 5, the Regulatory Accountability Act of 2017. This dangerous proposal would do severe damage to protections consumers depend on for health, safety, and honest treatment.

Congress has charged federal agencies with protecting the public from threats such as tainted food, hazardous products, dirty air and water, and predatory financial schemes. It established these agencies, such as the Food and Drug Administration, Consumer Product Safety Commission, Environmental Protection Agency, and Consumer Financial Protection Bureau, so that public protections could be overseen by professional civil servants with specific technical and scientific expertise. In developing regulations, agencies must act in accordance with the statute and with established rulemaking procedures that require transparency and full opportunity for public input, including input from the industry that will be subject to the regulation.

We agree that the regulatory process can certainly be improved. We stand ready to support constructive efforts to reduce delays and costs while preserving important protections.

However, rather than streamlining and improving the regulatory process, the Regulatory Accountability Act of 2017 would make current problems even worse. Under H.R. 5, agencies would be required to undertake numerous costly and unnecessary additional analyses for each rulemaking, which could grind proposed rules to a halt while wasting agencies' resources. Collectively, these measures would create significant regulatory and legal uncertainty for businesses, increase costs to taxpayers and businesses alike, and prevent the executive branch from keeping regulations up to date with the rapidly changing modern economy.

One of the most damaging effects of H.R. 5 is that it would, with only limited exceptions, require federal agencies to identify and adopt the "least costly" alternative of a rule it is considering. Currently, landmark laws like the Clean Air Act, Consumer Product Safety Act, and Securities Exchange Act require implementing agencies to put top priority on the public interest. H.R. 5 would reverse this priority by requiring agencies to value the bottom-line profits of the regulated industry over their mission to protect consumers and a fair, well-functioning marketplace.

H.R. 5 also includes several other damaging measures that have not been included previously as part of the Regulatory Accountability Act. These measures would add unjustifiable costs and uncertainty to the rulemaking process, and greatly impair regulatory agencies' work.

Contrary to its name, the "Separation of Powers Restoration Act" (Title II of H.R. 5) would disrupt the carefully developed constitutional balance between the legislative, executive, and judicial branches. Courts giving appropriate deference to reasonable

agency interpretations of their own statutes, as reflected in *Chevron U.S.A., Inc. v. NRDC*, 467 U.S. 837 (1984), is a well-settled approach that promotes sound and efficient agency enforcement, with effective judicial review. Under the *Chevron* doctrine, courts retain full judicial power to review agency legal interpretations, but do not simply substitute their own judgment for an agency's. *Chevron* recognizes that agencies accumulate uniquely valuable expertise in the laws they administer, which makes deference from reviewing courts—which do not have that expertise—appropriate.

Overtaking this approach would lead to disaster. It would severely hamper effective regulatory agency enforcement of critical protections on which consumers depend. As the Supreme Court stated in *City of Arlington, Tex. v. F.C.C.*, 133 S. Ct. 1863, 1874 (2013): "Thirteen Courts of Appeals applying a totality-of-the-circumstances test would render the binding effect of agency rules unpredictable and destroy the whole stabilizing purpose of *Chevron*. The excessive agency power that the dissent fears would be replaced by chaos." Such a move also would needlessly force the courts to repeatedly second-guess agency decisions that the courts have already concluded the agency is in the best position to make.

The REVIEW Act and the ALERT Act (Titles IV and V of H.R. 5) would cause additional needless and damaging delays to public protections. The REVIEW Act—which would block "high-impact" rules until every industry legal challenge has run its full course—would tie up agencies in court indefinitely, potentially making it impossible to address pressing national problems. The ALERT Act would subject most new rules to a delay of at least six months, and require agencies to waste resources complying with repetitive reporting requirements.

Like the bill's proponents, we believe regulations should be smart, clear, and cost-effective. However, H.R. 5 does not accomplish this objective. Instead of improving the regulatory process, the Regulatory Accountability Act of 2017 would make it dramatically slower, more costly to the nation, and far less effective at protecting health, safety, and other essential consumer priorities.

We strongly urge you to stand up for critical public protections and vote no on H.R. 5.

Sincerely,

LAURA MACCLEERY,  
*Vice President, Consumer Policy and Mobilization, Consumer Reports.*

GEORGE P. SLOVER,  
*Senior Policy Counsel, Consumers Union.*

WILLIAM C. WALLACE,  
*Policy Analyst, Consumers Union.*

CONSUMER FEDERATION OF AMERICA,  
*January 10, 2017.*

Re Oppose legislation on House Floor to undermine crucial consumer protections: H.R. 5.

DEAR REPRESENTATIVE: The Regulatory Accountability Act of 2017 (H.R. 5) would handcuff all federal agencies in their efforts to protect consumers. H.R. 5 is a vastly expanded version of previous versions of the Regulatory Accountability Act (RAA). H.R. 5 not only significantly and problematically amends the Administrative Procedures Act (APA) which has guided federal agencies for many decades but also now incorporates five additional bills that thwart the regulatory process: the Small Business Regulatory Flexibility Improvement Act; the Require Evaluation before Implementing Executive

Wishlists Act (REVIEW Act); the All Economic Regulations are Transparent Act (ALERT Act); the Separation of Powers Restoration Act; and the Providing Accountability Through Transparency Act. These titles make an already damaging bill even worse.

Specifically, the RAA would require all agencies, regardless of their statutorily mandated missions, to adopt the least costly rule, without consideration of the impact on public health and safety or the impact on our financial marketplace. As such, the RAA would override important bipartisan laws that have been in effect for years, as well as more recently enacted laws to protect consumers from unfair and deceptive financial services, unsafe food and unsafe consumer products.

For example, the RAA would likely have prevented the Federal Reserve from adopting popular credit card rules under the Truth in Lending Act in 2008 that prevented card companies from unjustifiably increasing interest rates and fees on consumers. This is because these far-reaching changes to abusive practices that were widespread in the marketplace were not the "least costly" options that were considered, although they were arguably the most cost-effective.

The RAA would have a chilling impact on the continued promulgation of important consumer protections. Had it been in effect, for example, the RAA would have severely hampered the implementation of essential and long-standing food safety regulations, such as those requiring companies to prevent contamination of meat and poultry products with deadly foodborne pathogens. In fact, the Centers for Disease Control and Prevention has credited the implementation of regulations prohibiting contamination of ground beef with *E. coli* O157:H7 as one of the factors contributing to the recent success in reducing *E. coli* illnesses among U.S. consumers. But such benefits are impossible to quantify before a rule is enacted.

Further, had the RAA been in effect the necessary child safety protections required by the Consumer Product Safety Improvement Act of 2008 (CPSIA) may have never been implemented. For example, between 2007 and 2011 the Consumer Product Safety Commission (CPSC) recalled 11 million dangerous cribs. These recalls followed 3,584 reports of crib incidents, which resulted in 1,703 injuries and 153 deaths. As a direct result of the CPSIA, CPSC promulgated an effective mandatory crib standard that requires stronger mattress supports, more durable hardware, rigorous safety testing, and stopped the manufacture and sale of drop-side cribs. If the RAA were implemented, such a life saving rule could have been delayed for years or never promulgated at all, at countless human and financial cost.

The RAA also would add dozens of additional substantive and procedural analyses, as well as judicial review to the rulemaking process for every major rule. It would: expand the kind of rules that must go through a formal rulemaking process; require agencies to determine "indirect costs" without defining the term; require an impossible-to-conduct estimation of a rule's impact on jobs, economic growth, and innovation while ignoring public health and safety benefits; and expand the powers of the White House's Office of Management and Budget's Office of Information and Regulatory Affairs to throw up numerous rulemaking roadblocks, including requiring them to establish guidelines for conducting cost-benefit analysis. This would further delay or prevent the promulgation of much needed consumer protections.

The new titles of H.R. 5 also add numerous roadblocks to the promulgation of necessary consumer protections. The Separation of Powers Restoration Act (Title II) eliminates

judicial deference that agencies are granted when rules are challenged in court. This allows judicial activism and political considerations to trump agency expertise. The Small Business Regulatory Flexibility Improvement Act (Title III) would increase regulatory delays and create new opportunities for court challenge to regulations. The Require Evaluation before Implementing Executive Wishlists Act (REVIEW Act) (Title IV) would encourage frivolous legal challenges and infuse the regulatory process with years of delay by requiring courts reviewing “high-impact” regulations to automatically “stay” or block the enforcement of such regulations until all litigation is resolved. The All Economic Regulations are Transparent Act (ALERT Act) (Title V) would also blatantly and purposefully lengthen the regulatory process by requiring a six-month delay in the development of regulations.

We urge you to oppose this significant threat to consumer protection, a fair marketplace, health, and safety posed by H.R. 5. If adopted, this proposal would waste federal resources, minimize the ability of federal agencies to do their jobs, grind the regulatory process to a halt, and infuse the regulatory process with roadblocks preventing the protection of the public and ultimately putting American consumers at risk.

We strongly urge you to oppose this harmful bill.

Sincerely,

RACHEL WEINTRAUB,  
*Legislative Director and General Counsel.*

COALITION FOR SENSIBLE SAFEGUARDS,

January 10, 2017.

Re Floor vote of H.R. 5, the Regulatory Accountability Act of 2017.

DEAR REPRESENTATIVE: The Coalition for Sensible Safeguards (CSS), an alliance of over 150 labor, scientific, research, good government, faith, community, health, environmental, and public interest groups, strongly opposes H. R. 5, the Regulatory Accountability Act of 2017 (RAA), which will be voted on this week.

H.R. 5 is a compilation of radical and harmful legislative proposals that will permanently cripple the government's ability to protect the public by rigging the regulatory process against new regulatory safeguards in favor of deregulation or regulatory inaction. The bill is just as dangerous and extreme as the REINS Act (H.R. 26) and the Midnight Rules Relief Act (H.R. 21).

All of these bills are designed to make it as difficult as possible for federal agencies to implement existing or new laws that ensure our access to clean air and water, safe workplaces, untainted food and drugs, safe toys and consumer goods, and a stable financial system free of Wall Street recklessness. On the other hand, deregulatory actions that repeal existing rules are exempt by virtue of the legislation's myopic focus on “costs” to corporate special interests instead of “benefits” to the public. In short, the legislation will create a double standard in our regulatory system that systematically favors deregulation over new public protections and “fast-tracks” the repeal of rules while paralyzing the creation of new ones.

The new version of the RAA, introduced in this Congress, takes the previous RAA legislation and folds in several destructive pieces of other so-called regulatory reform bills including: the misleadingly named Small Business Regulatory Flexibility Improvements Act, the Require Evaluation before Implementing Executive Wishlists Act (REVIEW Act), the All Economic Regulations are Transparent Act (ALERT Act), the Separation of Powers Restoration Act and the Providing Accountability Through Trans-

parency Act. These pieces of other bills seek to worsen an already destructive bill and add several more corrosive layers intending to dismantle our public protections.

The current rulemaking process is already plagued with lengthy delays, undue influence by regulated industries, and convoluted court challenges. If passed, Title I of this bill would make each of these problems substantially worse and would undermine our public protections and jeopardize public health by threatening the safeguards that ensure our access to clean air and water, safe workplaces, untainted food and drugs, and safe toys and consumer goods.

Rather than enhancing protections, it does the exact opposite. It adds 80 new analytical requirements to the Administrative Procedure Act and requires federal agencies to conduct estimates of all the “indirect” costs and benefits of proposed rules and all potential alternatives without providing any definition of what constitutes, or more importantly, does not constitute an indirect cost. The legislation would significantly increase the demands on already constrained agency resources to produce the analyses and findings that would be required to finalize any new rule. Thus, the RAA is designed to further obstruct and delay rulemaking rather than improve the regulatory process.

This legislation creates even more hoops for “major” or “high-impact” rules i.e., rules that provide society with the largest health and safety benefits. It would allow any interested person to petition the agency to hold a public hearing on any “genuinely disputed” scientific or factual conclusions underlying the proposed rule. This provision would give regulated industries multiple opportunities to challenge agency data and science and thus further stretch out the already lengthy rulemaking process.

H.R. 5 would also create a restrictive mandate of a “one-size-fits-all” directive that every federal agency adopt the “least costly” alternative. This is a profound change and effectively creates a “super-mandate” for all major regulatory actions of executive and independent agencies which overrides twenty-five existing statutes, including the Clean Air Act, the Clean Water Act, the Occupational Safety and Health Act, and the Consumer Product Safety Improvement Act. These laws prioritize public health, safety, and economic security, not the cost concerns of regulated entities.

Title II of H.R. 5 is the Separation of Powers Restoration Act piece which seeks to destroy the Chevron deference principal. It would remove the judicial deference that agencies are granted when their regulations are challenged in court. This would be a radical change that upends one of the fundamental principles in administrative law, namely that courts should not second-guess scientific and technical expertise at federal agencies. Overly intrusive judicial review is one of the primary reasons for regulatory delay and paralysis and this legislation would make those problems much worse.

The misleadingly named Small Business Regulatory Flexibility Improvements Act (Title III) is a Trojan horse that would expand the reach and scope of regulatory review panels, increase unnecessary regulatory delays, increase undue influence by regulated industries and encourage convoluted court challenges all in the name of helping “small business,” but so expansively applied that mostly big businesses would benefit. Because the bill mandates that these panels look at “indirect costs,” which are defined very broadly, it could be applied to virtually any agency action to develop public protections.

The REVIEW Act (Title IV) would make our system of regulatory safeguards weaker

by requiring courts reviewing “high-impact” regulations to automatically “stay” or block the enforcement of such regulations until all litigation is resolved, a process that takes many years to complete. It would add several years of delay to an already glacially slow rulemaking process, invite more rather than less litigation, and rob the American people of many critical upgrades to science-based public protections, especially those that ensure clean air and water, safe food and consumer products, safe workplaces, and a stable, prosperous economy.

The ALERT Act (Title V) is designed to impede the government's ability to implement critical new public health and safety protections by adding a six-month delay. This amounts to a six-month regulatory moratorium, even after the often lengthy period required for developing and finalizing these regulations. Such delays could extend well beyond that initial six-month period should the OIRA Administrator fail to post the required information in a timely manner.

This new version of the RAA would override and threaten decades of public protections. The innocuous-sounding act is, in reality, the biggest threat to public health standards, workplace safety rules, environmental safeguards, and financial reform regulations to appear in decades. It acts as a “super-mandate,” rewriting the requirements of landmark legislation such as the Clean Air Act and the Occupational Safety and Health Act and distorting their protective focus to instead prioritize compliance costs.

We strongly urge opposition to H.R. 5, the Regulatory Accountability Act of 2017.

Sincerely,

ROBERT WEISSMAN,  
*President, Public Citizen Chair,  
Coalition for Sensible Safeguards.*

AFSCME,

WE MAKE AMERICA HAPPEN,  
*Washington, DC, January 9, 2017.*

DEAR REPRESENTATIVE: On behalf of the 1.6 million working and retired members of the American Federation of State, County and Municipal Employees (AFSCME), I am writing to urge you to oppose the Regulatory Accountability Act of 2017 (H.R. 5). This reckless legislation would severely undermine the nation's ability to ensure that workers are safe on the job and in the marketplace. If enacted, H.R. 5 would effectively end the federal government's ability to enact new protections on behalf of the American people. Instead, the Regulatory Accountability Act looks to protect businesses from people as a platform for policymaking.

The Regulatory Accountability Act would upset the constitutional balance between branches of the government and impose new burdens on an already cumbersome regulatory process. In rulemaking, federal agencies must adhere to the requirements of the statute being implemented, and are often given a roadmap from Congress. From there, federal agencies must also follow the robust procedural and analytical requirements of the Administrative Procedure Act, the Regulatory Flexibility Act, the Unfunded Mandates Reform Act, the Paperwork Reduction Act, and the Congressional Review Act.

The Regulatory Accountability Act adds more than 70 steps to the regulatory process while giving corporate interests more opportunities to influence and weaken standards. It would require unnecessary Advance Notices for a large number of rules, and impose unnecessary new evidentiary standards as a condition of rulemaking. It would subject the regulatory process to unneeded rounds of litigation.

The Regulatory Accountability Act of 2017 will prevent agencies from growing and addressing new issues for environmental, public health, workplace safety and consumer financial security protections. We urge you to oppose this legislation.

Sincerely,

SCOTT FREY,

*Director of Federal Government Affairs.*

Mr. GOODLATTE. Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. CHAFFETZ) who is the chairman of the Oversight and Government Reform Committee and a member of the Judiciary Committee.

Mr. CHAFFETZ. Mr. Chairman, I want to thank Chairman GOODLATTE. I also want to thank Congressman RATCLIFFE of Texas.

Included in H.R. 5 is the All Economic Regulations Are Transparent Act, or the ALERT Act. I want to highlight that, in the past two Congresses, the ALERT Act was reported favorably out of the Committee on Oversight and Government Reform.

The ALERT Act itself is simply a transparency bill. It requires the administration to provide meaningful information about upcoming regulations online before those are actually issued. Early online disclosure will create the need for transparency so the public can see what is on the horizon.

Each month, Federal agencies will be required to list all regulations expected to be proposed or finalized within the following year. For each regulation on the list, the issuing agency is required to provide basic information to the public about that regulation. This includes the objectives of the regulation, the legal basis for the regulation, and where it stands in the rule-making process.

If the agency expects to finalize the regulation within the following year, the agency is also required to provide information about the impact of the regulation. This includes estimates on the costs, the completion date, and the economic effects of the regulation, including the net effect on jobs—something that doesn't happen now but seems to be just common sense.

In this 21st century, Federal agencies should have to show their work online so the public can engage. That is why I like what Mr. RATCLIFFE has championed since he has become a Member of this Congress. Let's also understand and remember that, by the administration's own estimates, Federal regulations promulgated over the last 10 years have imposed the cost of at least \$100 billion annually on the American taxpayers.

Again, I appreciate Chairman GOODLATTE's work and commitment on this issue. I want to thank, again, our good friend, Congressman JOHN RATCLIFFE, for his work on this. The Oversight and Government Reform Committee has looked upon this very favorably. We are very supportive of the overall bill, as well as this specific provision.

Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT) who is a very active

former member of the Judiciary Committee.

Mr. SCOTT of Virginia. Mr. Chairman, I thank my friend for yielding.

Mr. Chairman, over the past 2 weeks, the majority has considered three bills on the House floor designed to undermine the ability of the executive branch to implement essential economic and public health protections for the people we have the honor to represent: the so-called Midnight Rules Relief Act, which could retroactively disallow rules issued as far back as June of last year; the REINS Act, which requires a majority vote of both Houses of Congress before any major rule can go into effect; and today's Regulatory Accountability Act, which is an 82-page omnibus bill which would effectively tie the executive branch into so much red tape that environmental, workplace, and consumer protections might never see the light of day.

By enacting these statutes, Congress would impair the constitutional duty of the executive branch to "take care that laws be faithfully executed" and replace them with a series of layers that can be applied by deep-pocketed special interests, including one provision that prevents some rules from going into effect that may affect public safety if somebody files a lawsuit.

The question is: Who loses when these playing fields are tilted this way? Well, just a couple within the jurisdiction of the Committee on Education and Labor, 4.2 million working people would lose. That is the number of people who would be eligible for overtime pay as a result of the responsible actions taken by the Obama administration. They would lose the benefit of overtime for time worked in excess of 40 hours a week. Working families and seniors could lose their retirement savings.

Last year, the Obama administration released a fiduciary rule that ensures that retirement savings are protected from financial advisers who may prioritize fees over services. Without the rule, working families and seniors could lose billions of dollars every year in retirement savings by being unnecessarily charged by unscrupulous financial advisers.

Students in low-income school districts could lose. Without the Department of Education's new supplement-not-supplant rule, these students would lose critical resources, and those resources would be redirected to wealthier districts.

So let's be clear. The bill before us is not on the side of children, workers, and retirees. Instead, the bill throws sand in the gears of the regulatory process by adding more layers to the process, rigging it in favor of powerful corporate interests, and encouraging frivolous lawsuits. That is not what Congress should be focusing on. Instead, we should be building on the progress that has been achieved over the last 8 years. We should be consid-

ering legislation that increases wages, improves the lives of working families, increases access to high quality child care and early childhood education, supports quality public schools in every neighborhood, makes colleges more affordable, helps American families balance work and family life, and empowers workers to organize and collectively bargain.

That has been the focus of my Democratic colleagues on the Education and the Workforce Committee, and that focus will remain in the years ahead. So I urge the majority to partner with us to protect and promote the rights of working people and students by defeating this bill.

Mr. GOODLATTE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. MCCARTHY) who is the distinguished majority leader of the House.

Mr. MCCARTHY. Mr. Chairman, I thank the gentleman for yielding, and I thank the chairman for his work. I would also like to highlight a few Members whose work is inside this bill. First, Congressman MARINO, Congressman RATCLIFFE, Chairman CHABOT, and Congressman LUETKEMEYER have all done a tremendous amount of work to make this bill here today, and I appreciate that.

Mr. Chairman, we have a grave problem in our Federal Government. It undermines our Constitution, it contradicts the will of the people, and it is a deadweight on our economy destroying American jobs and costing billions of dollars per year in paperwork and lost opportunities. I am talking about the duplicative and unforgiving Federal bureaucratic state.

But before I discuss the dangers that an overzealous bureaucracy poses to our country, I want to be clear that the House has already made great progress. We are engaged in a two-step approach: first, to change the structure of Washington that deprives the people of their power; and second, to repeal specific harmful regulations. We will get started on the second part early next month.

We have already passed two bills last week to change Washington's structure, the Midnight Rules Relief Act and the REINS Act. Today, we will pass the third, the Regulatory Accountability Act. This requires agencies to choose the least costly option available to do what they are charged to do and prohibits large rules from going into effect while they are still being challenged in court. It also ends something called Chevron deference where courts automatically bend to the agency's interpretation of the rules. Under the current standard, that means the agency will win almost every single time in the courtroom and the people lose.

These three bills are about more than stopping bad regulations from being made. They are about changing the process in Washington that systematically prioritizes government over the



common good instead of making government serve the common good.

Mr. Chairman, our Nation is based on a principle that power ultimately comes from the people. Elections are the great foundation of our Republic, and, as we saw so clearly this last November, through them, the people can make their voices heard. But something has changed. Some of the most significant decisions in Washington, those that most affect the lives of the public, are made by those who don't stand for election.

What happens when the EPA imposes rules that deprive people of their property rights, when the Department of Health and Human Services tries to force nuns to violate their religion, or when the VA perpetuates a system that lets veterans die while they wait for their care? The people can't vote out bureaucrats who write rules at the EPA or the Department of Health and Human Services. They can't vote out bad leaders of the VA.

These bureaucrats know it. They know they aren't accountable to the people even as they exercise great power. Without elections, the people lose. Washington is brimming with executive employees devoted to preserving the status quo.

Then there is a revolving door of high-level Federal employees who head to major consulting firms and lobbying arms to influence the very agencies they came from. This breeds thousands of regulations that further enrich the connected and powerful—sometimes at the great expense of the average American.

□ 1415

It is our economy and the American workers who suffer the most. Federal regulations written and enacted by these bureaucracies impose a burden of about \$1.89 trillion every year. That number is hard to make sense of or to even imagine. It comes to, roughly, \$15,000 per U.S. household, or 10 percent of the American GDP.

The Obama administration alone has written regulations that require over 583 million hours to comply with. That is an average of nearly 5 hours of paperwork for every single full-time employee in America. The Federal Register is now the length of 80 King James Bibles.

When bureaucrats and agency heads cannot be held accountable and when they keep their jobs regardless of corruption, incompetence, waste, fraud, abuse, or the backroom deals they make with special interests, that is the problem. That is the swamp, and we need to drain it.

There is a reason the House is restructuring Washington first. It is that we made a commitment to the American people that we would drain the swamp. Now we are today.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. CUMMINGS), the ranking member of the Committee on Oversight and Government Reform.

Mr. CUMMINGS. I thank the gentleman.

Mr. Chairman, I rise in strong opposition to H.R. 5.

Before I go into that, let me be clear. After listening to the leader a minute ago, I thank all of the Federal employees who work so hard and give so much and who are so often unseen, unnoticed, unappreciated, and unapplauded.

I oppose this unnecessary and potentially dangerous legislation in its entirety. However, I will focus my remarks on title V of this bill, which is in the jurisdiction of the Oversight and Government Reform Committee. Title V, also known as the ALERT Act, is an attack on agency rulemaking, like the rest of this bill.

This title would prohibit the Office of Information and Regulatory Affairs from taking into account benefits when providing estimating costs of proposed and final rules. That is not transparency. It is one side of the story.

This bill would also prevent a rule from taking effect until certain information is posted online for 6 months by the Administrator of the Office of Information and Regulatory Affairs. The only exceptions to this requirement would be if an agency exempts the rule from the notice and comment requirements of the Administrative Procedure Act or if the President issues an executive order.

That is a 6-month delay in putting any rule in place no matter how big or how small. Right now, there are rules pending to protect the public from pipeline accidents involving hazardous liquids—those are our constituents, by the way—and to protect the privacy of patients' records. Again, those are our constituents. This bill would put an arbitrary 6-month moratorium on rules like these.

The Coalition for Sensible Safeguards, which is a coalition of over 150 labor, scientific, health and good government groups, sent a letter on January 10, 2017, opposing H.R. 5 to all Members of the House of Representatives.

That letter read in part:

The ALERT Act is designed to impede the government's ability to implement critical new public health and safety protections by adding a 6-month delay. This amounts to a 6-month regulatory moratorium even after the often lengthy period required for developing and finalizing these regulations. Such delays could extend well beyond that initial 6-month period should the OIRA Administrator fail to post the required information in a timely manner.

The other titles of this bill are not any better and would impose so many requirements on agencies that issuing regulations to protect health and safety would be almost impossible.

I urge my colleagues to reject H.R. 5.

Mr. GOODLATTE. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. MARINO), the chairman of the Regulatory Reform, Commercial and Antitrust Law Subcommittee and the chief sponsor of one of the bills contained herein.

Mr. MARINO. I thank the chairman.

Mr. Chairman, I rise in strong support of H.R. 5, the Regulatory Accountability Act.

This bill represents a monumental opportunity for the American people. After 8 years of one new crushing regulatory burden after another, the time has come to finally free the American people and create a new future for our economy.

In 2017, regulatory burdens are at record levels. One recent analysis by the American Action Forum puts the cumulative paperwork burden on the American people at 11.5 billion hours.

How could any small business person or entrepreneur survive in the face of this monstrous web of regulation?

The short answer is that they cannot.

It is a fact seen across my district as I have talked to workers covering every industry or occupation imaginable. When I ask businessowners about their concerns, first and foremost, the greatest hardship they face is the burden of Federal regulation and red tape. Funds, which otherwise could be invested in new employees, training, or equipment, must be dedicated to the demands of faceless bureaucrats in D.C. This applies to plumbers as well as to farmers, manufacturers to home builders. The list of those affected is long and varied.

The simple truth is that the Obama administration's one-size-fits-all regulatory agenda has been a disaster for the American Dream, and we have seen over the past several months how disconnected it was from the wants and needs of Americans across the country.

In Congress, however, we have heard their pleas and have taken action in the early days of the 115th Congress. H.R. 5 is the third regulatory reform bill we have considered in 2 weeks. It represents our brightest opportunity to unleash innovation and investment so that American businesses, big and small, can create new futures.

I am also grateful that H.R. 5 includes my bill, the REVIEW Act. The REVIEW Act was featured as part of Speaker RYAN's A Better Way agenda and passed the House on a bipartisan basis last fall. It represents a simple premise: regulations should be narrowly tailored, and massive regulations deserve full and thorough scrutiny.

The REVIEW Act would mandate a stay of any high-impact, billion-dollar regulation while judicial review is underway. Historically, billion-dollar rules have been few and far between. In fact, only 26 have been put in place since 2006; but, in recent years, their frequency has grown along with the unprecedented reach of the regulatory state. In the past 8 years, an average of three per year have been put in place.

Their significance, however, lies in their impact on our country. These regulations are massive and have the potential to fundamentally and irreversibly change entire industries. If, later, judicial review finds the agency's reasoning to be legally unsound or contrary to the intent of Congress, the

compliance costs incurred—often meaning jobs that were lost—cannot be undone. The REVIEW Act provides an important check on regulatory largesse and is an important piece of this bill.

The American people have spoken, and they have spoken clearly. It is time for us all to take our country and the economy in the right direction. The Regulatory Accountability Act provides the reforms that are necessary to get us there.

I urge all of my colleagues to support this bill.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. COHEN), a senior member of our committee who has followed this matter very closely.

Mr. COHEN. I thank the gentleman.

Mr. Chairman, these bills are a group of bills that have been considered for many years and have passed on partisan votes in the House. What you do when you repeal regulations or make it harder to have regulations is you make it better for business, better for the Chamber crowd, better for the manufacturing folk.

But there is always a cost for everything. I think it was Isaac Newton who said: "For every action, there is an equal and opposite reaction." You take these regulations off, increase business, and make it easier; but there is an equal and opposite effect in that Newtonian law as the consumer of the products.

Whether it is food and food safety, whether it is water safety and purity, whether it is air safety, whether it is toys and manufacturers' defects or automobiles and safety in transportation—it could be airplane transportation—there is always a side that loses; and the side that loses is that of the consumers and the folks who will be injured and/or killed because of lack of regulations.

I don't know how much one life is worth. If it is mine or one of my loved ones or one of my constituents—I am getting a little political here—it is worth a lot, but it is worth a lot no matter who it is, and there are going to be lots of people who will not survive some of these regulations. There are going to be injuries in the workplace because regulations for safety aren't there. There will be food products that are defective because regulations aren't in place, and people will eat food that is not appropriate, not pure.

I had an amendment I proposed here on civil rights, and I think civil rights is one of our most precious rights—one that has been neglected on many occasions. That amendment would have said that this would not affect any civil rights rules, but it was not put in order; but it includes people with disabilities. Those are areas in which we should have exempted and not had anything stop our steadfastness toward securing civil rights and securing opportunities for people with disabilities.

I am against the bills. I am for the consumer. I think there might be a

measured way to do this, but this is a heavy-handed way to do it, and the consumer loses.

Mr. GOODLATTE. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. CHABOT), the chairman of the Small Business Committee, a member of the Judiciary Committee, and the chief sponsor of one of the bills contained herein.

Mr. CHABOT. I thank the chairman for yielding.

Mr. Chairman, I rise in strong support of H.R. 5, the Regulatory Accountability Act.

In response to the previous gentleman's comments, I would just note that none of the regulations that we are considering today—the legislation—is going to do away with regulations altogether or even significantly, especially, regulations that have to do with people's safety. We are not trying to do anything that is going to affect the safety of the American people. We are just trying to make sure the regulations are smarter, and that is what this is all about.

I am also pleased that title III of H.R. 5 is a bill that I sponsored last term and in this Congress—the Small Business Regulatory Flexibility Improvements Act. The Committee on Small Business, which I happen to chair, and the Committee on the Judiciary have crafted this bill with bipartisan input over many years.

I thank Chairman GOODLATTE for working with us on this important legislation, and I thank him for his leadership.

Small businesses are found in every congressional district and in every industry. They provide livelihoods for millions of workers and for their families. Small businesses employ nearly half of the private sector workforce and generate two out of every three new jobs in the private sector today. The Federal Government should be doing everything it can to encourage these small but mighty job creators. Unfortunately, oppressive red tape has had the opposite effect of discouraging investment, expansion, and job growth. I am not saying that all regulations are bad, but there are too many rules. For too long, agencies have ignored their true effect, their true impact, on small businesses. Small businesses are at a real disadvantage because they have fewer resources and rarely have in-house counsel, the regulatory compliance staff that would be necessary to guide them through this maze. Generally, small businesses just don't have that.

So shouldn't regulators, at the very least, examine the effects of new rules on small businesses and consider ways to reduce excessive burdens?

Of course they should. There is a law, the Regulatory Flexibility Act, or the RFA, which requires agencies to conduct this commonsense assessment when they regulate. Even though the law has been on the books for over 36 years, agencies too frequently just ignore its requirements.

□ 1430

The Small Business Regulatory Flexibility Improvements Act, which is title III in this bill, eliminates loopholes that agencies like the Internal Revenue Service have used to avoid compliance with the RFA. It also forces agencies to analyze not only the direct, but also the indirect effects of rules on small businesses, just as agencies are required to do when promulgating major rules affecting, for example, the environment. It gives small businesses additional opportunities for early input on proposed rules and regulations and strengthens the RFA's requirements for agencies to periodically review old rules.

Nothing in our legislation today takes away an agency's ability to issue a rule or a regulation, but it will force the rulemakers to think carefully before they act. It is great legislation, and I urge my colleagues to support it.

Mr. CONYERS. Mr. Chairman, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. RATCLIFFE), a member of the Judiciary Committee and the chief sponsor of two of the measures contained here.

Mr. RATCLIFFE. Mr. Chairman, I rise in strong support of the Regulatory Accountability Act of 2017. I thank Chairman GOODLATTE for the opportunity to again lead on this issue and for the inclusion of two of my bills—the Separation of Powers Restoration Act and the ALERT Act—in this incredibly important regulatory reform package.

Because you see, Mr. Chairman, the realities of President Obama's failed liberal progressive experiment are all too real for the three-quarters of a million Texans that I represent, realities like higher prices for families in Sulphur Springs trying to make ends meet, fewer jobs for those seeking work in Texarkana, and small businesses in Sherman and Rockwall forced to close their doors. Mr. Chairman, these are just a few of the countless devastating symptoms of overregulation that citizens across our great country have been forced to endure under President Obama.

The President gives a good speech, and he did so again in his farewell address last night. But the President read us a fictional tale last night. The inescapable truth is that for 8 long years, the constant stream of regulations being pumped out by the Obama administration has taken a terrible toll on families, on businesses, and on our economy. It has made our Nation less prosperous and leaves folks worse off than they were before.

The urgency to reverse this unsustainable regulatory quagmire couldn't have been made more clear than in November, when the American people rose up and voted for a new President who vowed not to subject us to more of the same. That is where my

bill and all of the bills in the Regulatory Accountability Act come into play.

When you look back at the last 8 years, many people wonder how the Obama administration was allowed to grow at such an alarming rate. Now, while there are a lot of troubling factors that go into that equation, the result of an infamous 1984 Supreme Court decision, the Chevron doctrine, is certainly recognized as one of the key culprits. For three decades now, this doctrine has required courts to defer to agency interpretations of congressional intent.

Said in more plain terms, Mr. Chairman, this means that when individuals challenge Federal regulators in court, the deck is stacked in favor of the regulators, the very same regulators who have written the regulations in the first place. Letting regulators grade their own papers, if that doesn't reinforce the need to drain the swamp, then I don't know what does.

My legislation, the Separation of Powers Restoration Act, will fix this perversion of our Constitution by ensuring that Congress, not executive branch agencies, write our laws and that courts, not agency bureaucrats, interpret our laws.

Mr. Chairman, title V of this bill is my ALERT Act legislation, and it provides another critical remedy to the current regulatory process by fixing the lack of transparency that is both unfair and harmful to individuals and small businesses across the country.

Right now, the current law requires the administration to release an update twice a year on the regulations that are being developed by Federal agencies—the problem is that the regulators are ignoring the law—as these updates have either been very late or never issued at all under President Obama's watch.

Up to this point, there hasn't been a way to reinforce and enforce these requirements. So the ALERT Act tackles this problem by forcing the executive branch to make the American people aware of regulations that are coming down the track; and it prohibits any regulations from going into effect unless and until detailed information on the cost of the regulation, its impact on jobs, and the legal basis for the regulation have been available to the public on the Internet for at least 6 months.

Mr. Chairman, the way our government has been allowed to function under this administration isn't how our forefathers intended our government to work. Today's legislation takes a giant step forward in fixing how Washington works. I have already spoken to President-elect Trump about partnering together to make this the law of the land and to give the American people back the government that our Founders intended, a government that works for them, not the other way around.

Mr. Chairman, we owe them nothing less.

Mr. CONYERS. Mr. Chairman, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, may I inquire how much time is remaining on each side.

The Acting CHAIR (Mr. DONOVAN). The gentleman from Virginia has 9 minutes remaining, and the gentleman from Michigan has 15½ minutes remaining.

Mr. GOODLATTE. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. PETERSON), the ranking member of the House Agriculture Committee.

Mr. PETERSON. Mr. Chairman, I strongly support H.R. 5 and urge my colleagues to do so as well. This bill will reform our regulatory system and reduce burdens on our farmers, ranchers, and businesses.

H.R. 5 will create a more streamlined, transparent, and accountable regulatory process and give the American people a stronger voice in agency decisionmaking.

Requiring agencies to choose the lowest cost rulemaking option and providing additional opportunities for judicial review will ensure that regulations are narrowly tailored, addressing the issues at hand; and this will reduce the burden on farmers, ranchers, businesses, and everyday citizens.

This is a good bill, and I urge my colleagues to support it.

Mr. CONYERS. Mr. Chairman, I continue to reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. LUETKEMEYER), the chief sponsor of one of the bills contained herein.

Mr. LUETKEMEYER. Mr. Chairman, today I rise in strong support of the bill on the floor before us, the Regulatory Accountability Act of 2017.

Over the last 8 years, it has been clear that our country has been on the wrong path. Through overregulation and government bureaucracy, the chance at the American Dream has seemed to be slipping away and unreachable for far too many Americans. In November, the American people spoke and made it clear: it is time to change course and reform the rulemaking process to energize robust growth in the American economy.

To do so, we not only need to address the number of Federal regulations, but also their convoluted and complex nature. Our constituents should not need a law degree or an army of consultants and accountants to understand the rules they are required to follow. Nevertheless, given their technical language, it can be extremely difficult to fully understand proposals unless one is an expert in that field.

Title VI of H.R. 5 includes language from a bill that I introduced earlier in this Congress. My bill, the Providing Accountability Through Transparency Act, would require each Federal agency, when providing notice of a proposed rulemaking, to produce a 100-word,

plain-language summary of the proposal and make it publicly available online. This commonsense reform would give the American people straightforward and uncomplicated access to the rules proposed by the executive branch.

The American people deserve to be informed about the rules and regulations being proposed by their government, and I am honored to have my legislation included in this regulation-curbing package.

I thank Chairman GOODLATTE for his leadership on H.R. 5, as well as my colleagues who joined me in contributing language to this critical legislation.

Mr. CONYERS. Mr. Chairman, I continue to reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. ROTHFUS).

Mr. ROTHFUS. Mr. Chairman, I rise today in strong support of H.R. 5, the Regulatory Accountability Act.

Many speaking today in support of this legislation are right to point out the crushing impact that Washington's overregulation has had on our economy. We know all too well how overregulation has driven up the cost of health care, financial services, and energy; and it is long past time for reform.

I would like to highlight a provision of this legislation that I offered 3 years ago that requires agencies to identify when new rules will have a negative impact on jobs and wages.

Too often, regulators and agency heads are well aware of the negative impact a regulation will have on Americans' jobs and wages even before it is imposed, but they impose it anyway. Specifically, my provision defines when rules have a negative impact on jobs and wages and requires agency heads approving such a rule to submit a statement that they approve the rule knowing its negative impact.

When people in this far-off Capitol take away the jobs and livelihood of working families, as they have done with miners and power plant workers and laborers in my district, they need to own up to it. The Regulatory Accountability Act will help us to provide American workers with substantial relief from what is often Washington overreach, and I encourage all of my colleagues to support this commonsense legislation.

Mr. CONYERS. Mr. Chairman, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON LEE), a senior member of the House Judiciary Committee.

Ms. JACKSON LEE. Mr. Chairman, I thank the distinguished chairman and the distinguished ranking member for convening us. It reinforces my commitment to the importance of the House Judiciary Committee for important, innovative, and groundbreaking, in some instances, work that we have done.

In this instance, I find fault because this legislation does not meet that criteria. Just a few days ago, we read the

Constitution, and some might make the argument that H.R. 5 fits very comfortably into the Bill of Rights, Amendment V and Amendment XIV. Both frame themselves around the question of due process. I make the argument that this legislation is sorely lacking.

I want to take up, first of all, a point made by my colleague, a member of the Rules Committee. This legislation, to my recalling, has been circulated for many years. It seems that I have been in the House when a bill like H.R. 5 has passed over and over again.

This bill appeared in the 114th Congress. Many Members left since that time. New Members are here. New Members, Republicans and Democrats, will be added to the House Judiciary Committee and to the Senate Judiciary Committee. None of them will have had the opportunity for regular order, to be able to ensure hearings and to be able to engage in input with amendments that I would agree or disagree with, but to have a vigorous debate in our Judiciary Committee as well as in the Senate. It did not happen. We are now on the floor of the House. So that is one fracture of what we are doing, one Achilles' heel to this legislation.

In the last 24 hours, I heard a news account of a little boy who swallowed magnets that were produced by a particular company. It went through the process. It was designated dangerous; and then, unfortunately, that dangerous status was pulled back, and the company is excited about producing those magnets again.

The little boy who swallowed the magnets, I think, was about 2 years old. A happy little boy, of course, that is how children are. He had major intestinal surgery, and most of his intestines were removed. He is now 6 years old, and he must now be fed intravenously.

□ 1445

His devastation is our failure. That is what we are facing with H.R. 5.

I don't know if my colleagues agree, as boring as the Administrative Procedure Act was in law school, I liked the course. I had a great professor who made me understand the life of the APA and its value. This legislation attempts to rewrite the Administrative Procedure Act to the detriment of the American people.

Consider this, hardworking agencies should have oversight; that is what our committees are all about. They should have oversight. They will now have to jump through hoops of 70 new criteria. I didn't say 10; I didn't say a quarter of 100, 25; I didn't say a half of 100, 50; but 70 when issuing rules, including alternatives to any rule proposal, the scope of the problems the rule meant to address, and potential cost and benefits of the proposal and alternative.

I want to see small businesses thrive. Part of that includes a reasonable healthcare package like ObamaCare, the Affordable Care Act, for its em-

ployees, a reasonable new structure dealing with taxation that helps small businesses and does not give a mountain of benefit to major corporations.

Maybe we should address the needs of small businesses in that manner, or, as my minority constituents tell me, access to credit which is generally denied to women, Hispanics, in some instances, and certainly African Americans. That may help our small businesses get them back on their feet. But that is not what H.R. 5 does. It stifles the work of our agencies of which we have attributed to them, the Small Business Administration, Health and Human Services, the Federal Trade Commission, the FCC, and, in some instances, the Department of Justice articulating regulations dealing with funding of juvenile issues.

The Acting CHAIR. The time of the gentleman has expired.

Mr. CONYERS. Mr. Chairman, I yield an additional 2 minutes to the gentleman.

Ms. JACKSON LEE. I thank the gentleman.

These are agencies that are depended upon to give regular order. Oversight is important, but I would make the argument that stifling, denying, demolishing, or destroying is not order.

Now, I had an amendment that I think is crucial. It is to provide an exception under this bill for regulations that help prevent cyber attacks on election processes or institutions. Mr. Chairman, not only have we found with much profoundness that a foreign entity, in this instance Russia, maybe it might be Iran, maybe it might be some other country, intruded into the democratic process of elections. I am glad Senator GRAHAM said this is not Republicans or Democrats. This is about the integrity of the election system. And why we were hesitant to make this amendment in order, because there is no stopping of the peaceful transfer of government. The American people see to that process. Thank God for our love of democracy. We are able to express our opposition in many different ways.

But there is no doubt there was not only intrusion, there was skewing from one candidate versus another. There are prints—this is public knowledge—that have been able to be tracked to suggest who, what, and what country, and how far up the chain to Mr. Putin that it went to.

So my amendment, I think, was constructive. Why would we be reluctant to debate it? Why would we be reluctant to acknowledge the intelligence report assessing Russian activities and intentions in the recent U.S. elections? And why would we be reluctant to find out who was involved?

H.R. 5 is not doing what it is supposed to do. It is, in fact, undermining the Constitution and eliminating the protections for a little boy who now lives his life completely different because maybe we didn't intervene in the regulatory manner of oversight over that product that we should have, and

maybe now we have given them a pass so that other children might suffer the same consequences. I ask my colleagues to vote against the underlying bill and send it back for us to do the work of the people in regular order.

Mr. GOODLATTE. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. KELLY).

Mr. KELLY of Pennsylvania. Mr. Chairman, I rise in strong support of H.R. 5, and let's get back to what we are talking about. We are talking about overregulation right now. We are not talking about the Red army or any other type of a red threat that is coming in here. The real threat is red tape. We are not talking about scotch tape or duct tape, we are talking about red tape. There is \$2 trillion worth of red tape that the American consumers have to pay for every year. That is trillion with a "T." Every single regulation that goes into effect, not by elected officials but by unelected bureaucrats, I am not saying they are not well intended, I am just saying they are not well thought out. And we really don't know who is going to pay for all of these. The burden is on the American consumers, the American taxpayers.

So if we are talking about creating jobs and if we are talking about getting our economy back on track, let's get the heavy regulatory boot of the American government off of the throat of American job creators. Why don't we make it easier for people to be profitable. Why don't we make it easier for people to start a new business. Why don't we make the prices cheaper on the shelves, and all of the services that are out there cheaper for the American people to buy and purchase.

We get caught up in debate about things that don't make sense to everyday Americans. They elect us to come and represent them. They don't elect us to preach to them. They don't elect us to say: You, poor, stupid people, you don't understand, we are trying to help you.

The Congress has oversight of this. This is our job. Why would we turn it over to unelected bureaucrats. How about this: In 2015, we passed 114 laws. Meanwhile, there were 3,410 rules that were put into effect. Is there a little bit of a problem with the balance there? Is there a little bit of a problem with the people who sent us to represent them telling them: you don't understand, that rule, that regulation, I never had a chance to weigh in on it?

They are asking: Then why the heck did we send you?

And I appreciate the fact that Federal employees need to be appreciated. Being one of those employees, I do appreciate that. When I go home, I love when people tell me: you know what, we really appreciate that you are standing up for us. We really appreciate that you are watching where our tax dollars are going. We really appreciate the fact that you are trying to make it easier for us to breathe, make

it easier for us to succeed, make it easier for us to supply all this revenue.

Every single penny that this government needs to run on is not supplied by the Congress, it is supplied by hardworking American taxpayers. And you know what, we can't even collect enough money from them to cover our bills. We have to go out and borrow more. But they are responsible for it. We sign their name on every single debt that we make.

It is time to wake up and smell the coffee. This is not about some other debate. This is about what we are doing to hardworking American taxpayers and hardworking Americans every single day.

Then some say: you don't understand, you poor, stupid people, we are trying to make the air clean and the water drinkable. Yes, I understand that. That is what we are doing. Why do you try to change it into something that doesn't even make sense? Please go back into your communities and talk to these folks that are saddled with these expenses and look them in the eye and tell them you are just not smart enough to know how government works. The one thing they know is we are \$20 trillion in the red.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Georgia (Mr. JOHNSON), a distinguished member of the Judiciary Committee.

Mr. JOHNSON of Georgia. Mr. Chairman, I thank the ranking member and the chairman.

I rise in opposition to H.R. 5, the Regulatory Accountability Act of 2017. I have a number of concerns with many provisions of this voluminous page, this 82-page bill. It has not gone through regular order, not one committee meeting. Congress just came into session last week. So we have got 50-plus new Members in this body who have not had one single day of an opportunity to pay any attention to learn what is in this bill. Yet, my colleagues on the other side of the aisle are going to force their folks to vote "yes" on this bill. I urge them to vote "no" and think about it. The reason they should think about it is because H.R. 5 is a destructive revision of the Administrative Procedure Act which fiendishly convolutes the agency rulemaking process through numerous analytical requirements. We call that gumming up the works.

These requirements, which are largely opposed by the Nation's leading administrative law experts, would cause years of delays in the rulemaking process and deregulate entire industries through rulemaking avoidance by agencies.

In addition to imposing over 60 new procedural requirements on regulatory protections, title I of H.R. 5 imposes a new super-mandate requiring that agencies adopt the least costly rule considered during the rulemaking that meets relevant statutory objectives and permits agencies to choose a more

expensive option only if the additional benefits justify its additional costs.

The AFL-CIO has observed that this provision would make protecting workers and the public secondary. Limiting costs and impacts on business and corporations is the prime purpose of this legislation. There is little doubt that this proposal will compromise public health, workplace safety, and environmental protections. Agencies will be forced to make penny-wise and pound-foolish decisions. It costs more to remedy an environmental or financial calamity than it would be to protect the public from the calamity occurring in the first place, which the underlying regulation would do, but they don't want regulations. This is unbelievable.

Title II of the bill abolishes judicial deference to agencies' reasoned statutory interpretations, which has been a hallmark of judicial review for more than three decades. Talk about judicial restraint and not legislating from the bench. That is what the Supreme Court in its Chevron rule has emphasized over the last three decades.

In addition to incentivizing judicial activism by generalist courts, which could engage in rulemaking from the bench by making policy decisions rather than strictly interpreting the law, this provision will also make the regulatory system more costly and time-consuming because it would require agencies to take even more time to promulgate critical protections that the court ultimately decides on its own through its ability to legislate from the bench that it doesn't like. This is nonsense. It is hypocritical.

Title III of the bill further paralyzes agency rulemaking through unworkable, complex requirements, while endowing the hallowed Small Business Administration's Office of Advocacy with broad authority to act as the gatekeeper of our Nation's entire regulatory system. As the Center for Progressive Reform reported in a 2013 report, this entity, this Small Business Administration's Office of Advocacy, exists in an unchecked capacity to funnel "special interest pressure into agency rulemakings, even though such interests have already had ample opportunity to comment on proposed regulations."

So in other words, the Small Business Administration's Office of Advocacy is a back door wide open to corporate interests seeking to come in and undermine the regulatory authority of an agency.

At a time when there has been much talking and tweeting about draining the swamp, this measure would function as a green light to special interests to manipulate the regulatory system in their favor.

Moreover, my Republican colleagues' repeated claims that this measure will create regulation by representation, or clawback authority from the executive branch, that argument is fundamentally undermined by the fact that this bill consolidates the role of a sub-

agency, the Small Business Administration, in such an opaque and reckless manner.

The Acting CHAIR. The time of the gentleman has expired.

Mr. CONYERS. I yield an additional 1 minute to the gentleman.

Mr. JOHNSON of Georgia. Have Members ever heard of any legislation that purports to take power back from unelected bureaucrats and then places it right back in the hands of a bureaucrat in the same piece of legislation? This is ridiculous.

Title IV of H.R. 5 would automatically delay the effective date of any rule exceeding \$1 billion in costs that is challenged in court, regardless of whether the party challenging the rule has any likelihood of success on the merits, is actually harmed by the rule, or whether staying the rule would be contrary to public interest.

□ 1500

So while they sit here and take the rights of regular, ordinary working people to sue corporations under the guise of so-called tort reform, they turn around in this legislation, open the courthouse door wide to corporations to come in and file frivolous complaints against a regulation and automatically stall it. This is ridiculous.

This legislation is rife with corporate protections at the expense of the people, and I ask my colleagues to vote "no" on this legislation.

Mr. GOODLATTE. Mr. Chairman, at this time it is my pleasure to yield 1½ minutes to the gentleman from California (Mr. KNIGHT).

Mr. KNIGHT. Mr. Chairman, I rise in strong support of H.R. 5, the Regulatory Accountability Act of 2017.

Over the last 8 years, we have seen the administration authorize hundreds of executive orders directing Federal agencies to issue, finalize, and implement an unprecedented number of regulations. Most of these impose one-size-fits-all standards on small businesses with little to no consideration for their impact on small businesses.

As a member of the Small Business Committee, it is kind of my job to go out and find out what small businesses have to offer, what is impeding their ability to create and make more jobs for our industry and for our economy. What we have found is that overregulation is stifling them. This is the problem.

This is not something that we have made up. That is the problem in this economy. That is why I am proud to support H.R. 5, and particularly title III, which addresses one vital area that protects small businesses—the Regulatory Flexibility Act, or RFA.

The RFA requires agencies to assess the economic impacts of new regulations on small businesses. However, Federal agencies regularly exploit loopholes in the RFA requirements that allow them to produce inadequate or inaccurate analysis of impact.

We know this can have devastating outcomes, as witnessed in the Department of Labor's overtime rule issued

last year, which was one of the top concerns for many of the small businesses and nonprofits that operate in my district and across this country.

Title III of H.R. 5 would eliminate loopholes to ensure compliance and would also require agencies to provide more detailed information in each analysis.

I encourage my colleagues on both sides of the aisle to support this legislation.

Mr. CONYERS. I yield myself such time as I may consume.

Mr. Chairman, in closing, this has been an enlightening discussion because we have determined that H.R. 5 is based on the faulty premise that environmental and public safety protections kill jobs, result in economically stifling costs, and promote uncertainty.

In fact, regulatory protections that ensure the safety of American-made products unquestionably foster job creation and protect the competitiveness of our business and global marketplace. This explains why so many organizations—more than 150—strongly oppose this legislation.

Mr. Chairman, our constituents and the American citizens deserve something better than H.R. 5. We need legislation that creates middle class financial security and opportunity. We need sensible regulations that protect American families from economic ruin, that bring predatory financial practices to an end.

We need workplace safety protections that ensure hardworking Americans can go to work each day without having to risk their lives as a result of hazardous work environments.

Unfortunately, the measure before us does nothing to advance any of these critical goals, and so I must, therefore, oppose H.R. 5 and ask my colleagues to support a negative vote on this matter.

Mr. Chair, I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chair, I yield myself such time as I may consume.

The facts are plain, the conclusion is clear: the rampant tide of unchecked, unbalanced Federal regulation is overwhelming job creators and households all across this Nation. Thanks to Washington's endless excess of regulations, hardworking Americans face higher prices, lower wages, fewer jobs, and fewer new business starts; and America as a whole is less competitive, less innovative, and less prosperous.

Federal regulations now impose an estimated burden of an amazing \$1.89 trillion per year. That burden is burying America's job creators and suffocating job opportunities. It equals roughly \$15,000 per U.S. household, over 10 percent of America's GDP, and more than the GDP of all but eight countries in the world.

The Obama administration set new records for numbers and effects of major regulations, over 600 in total, with an average of 81 per year. That is roughly one every 3 working days.

Through just August 2016, these rules had economic effects of over \$740 billion and imposed 194 million paperwork burden-hours; and this only built upon the insufficiently checked regulation already imposed by previous administrations.

This problem must be solved, and this bill is the number one solution to this problem. Its bold, innovative measures will unleash American freedom, opportunity, and resourcefulness by dramatically reducing new regulatory costs; and they will do that while still allowing agencies to achieve the benefits that Congress' statutes have tasked them to achieve.

Far fewer costs, all the benefits, who could be against that? We all should be for it, just as the American people are.

Support the American people. Support the Regulatory Accountability Act. I urge my colleagues to do so.

Mr. Chair, I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Chair, I rise in strong opposition to H.R. 5, the "Regulatory Accountability Act of 2017," which is a radical measure that could make it impossible to promulgate safety regulations to protect the public.

I oppose this legislation because it would effectively shut down the entire U.S. regulatory system, amending in one fell swoop every bedrock existing regulatory statute.

My opposition to H.R. 5 is amplified by the Rules Committee's decision to decline to make in order the Jackson Lee Amendment, "to provide an exception for regulations that help prevent cyberattacks on election processes or institutions."

Apparently, House Republicans are still reluctant to debate the subject—undisputed by our Intelligence community—of Russian cyberattacks on American cyber networks and infrastructure.

Key Judgments in the Intelligence Community Assessment's declassified version of a highly classified report entitled, "Assessing Russian Activities and Intentions in Recent U.S. Elections," have confirmed that 2016 witnessed the first American presidential election that was the subject of cyberattacks.

These and other subversive activities have been confirmed to have been perpetrated by entities allied with the Government of Russia and were undertaken for the express purpose of influencing the presidential contest to secure the election of its preferred candidate, Donald Trump, who made history by becoming the first presidential candidate to invite a hostile foreign power to launch cyberattacks against his political opponent.

All three agencies, CIA, FBI and NSA, agree with this judgment.

The so-called Regulatory Accountability Act (RAA), in addition if to this rule, demonstrates the deceptive design of the majority to make it harder to establish regulations to protect the public by tilting the entire regulatory system significantly toward special interests.

The bill allows Federal courts without expertise on technical issues to substitute their judgment for those of the expert federal agencies.

These agencies are staffed with career subject matter experts that are deeply knowledgeable of the background, context, and history of agency actions and policy rationale.

For this reason, courts have long deferred to agency experts who are in the best position to carry out the statutes.

The RAA would end this well-established practice and allow far less experienced judges to second guess expert opinion—essentially sanctioning judicial activism.

The Jackson Lee Amendment, however, would have attuned this dangerous legislation to provide an exception for regulation upon which Americans so greatly rely on their government to help prevent cyberattacks on our highly coveted and esteemed election processes and institutions.

The bill promoted by the majority, calling for accountability from our Administrative Agencies—fails to answer in accountability to the threat posed by foreign and domestic invaders on our national cyber networks.

As the new Congress commences in the People's House, obstructionist Republicans are circumventing the very procedures by which elected officials answer the cries of outrage and dismay of desperately concerned constituents.

To the obstructionist majority perpetuating this restrictive rule, let me stand firm in the American convictions laid bare by the Jackson Lee Amendment—the system of Checks and Balances established by the Separation of Powers clause of the Constitution will not be thwarted.

The spirit of the H.R. 5 is clearly designed to stop all regulation dead in its tracks—no matter the threat to cyber networks, national security, economy, or the very health and safety of the American people.

We know that Russia's cyber activities were intended to influence the election, erode faith in U.S. democratic institutions, sow doubt about the integrity of our electoral process, and undermine confidence in the institutions of the U.S. government. These actions are unacceptable and will not be tolerated.

The mission of the Intelligence Community is to seek to reduce the uncertainty surrounding foreign activities, capabilities, or leaders' intentions.

On these issues of great importance to U.S. national security, the goal of intelligence analysis is to provide assessments to decision makers that are intellectually rigorous, objective, timely, and useful, and that adhere to tradecraft standards.

Applying these standards helps ensure that the Intelligence Community provides U.S. policymakers, warfighters, and operators with the best and most accurate insight, warning, and context, as well as potential opportunities to advance U.S. national security.

This objective is difficult to achieve when seeking to understand complex issues on which foreign actors go to extraordinary lengths to hide or obfuscate their activities.

My amendment would have improved H.R. 5 by exempting only those regulations critical to making cyber networks invulnerable to attack from foreign and domestic agencies and individuals.

Specifically, the amendment that the Rules Committee disallowed for presentation on a vote here on the floor today would have provided the American people an exemption to allow for the prevention of tampering, alteration, or misappropriation of information by agents of foreign countries with the purpose or effect of interfering with or undermining election processes or institutions.



In particular, restrictions put forth in H.R. 5 could result in further delay to agencies attempting to take action to help network defenders better identify new tactics or techniques that a malicious actor might deploy or detect and disrupt an ongoing intrusion, in addition to protecting data that enables cybersecurity firms and other network defenders to identify certain malware that the Russian intelligence services use.

The Regulatory Accountability Act provides no accountability to the American public.

Instead, it allows polluting industries and special interests to game the system and escape accountability for any harm they inflict.

It makes it incredibly difficult, if not impossible, to secure new public protections and arms industry with numerous tools to avoid their legal obligations.

The increasing use of cyber-enabled means to undermine democratic processes at home and abroad, as exemplified by Russia's recent activities, has made clear that a tool explicitly targeting attempts to interfere with elections is also warranted.

We cannot afford to let global terroristic threats, in the form of cyber activities, erode faith in U.S. democratic institutions, sow doubt about the integrity of our electoral process, influence elections, or undermine confidence in the institutions of the U.S. government.

My amendment would have offered protections guarding the integrity of our cyber networks, while at the same time allowing the bill to achieve the proponents' major purposes.

For these reasons and more, I oppose this bill.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule. The bill shall be considered as read.

The text of the bill is as follows:

H.R. 5

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Regulatory Accountability Act of 2017”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

## **TITLE I—REGULATORY ACCOUNTABILITY ACT**

Sec. 101. Short title.

Sec. 102. Definitions.

Sec. 103. Rule making.

Sec. 104. Agency guidance; procedures to issue major guidance; presidential authority to issue guidelines for issuance of guidance.

Sec. 105. Hearings; presiding employees; powers and duties; burden of proof; evidence; record as basis of decision.

Sec. 106. Actions reviewable.

Sec. 107. Scope of review.

Sec. 108. Added definition.

Sec. 109. Effective date.

## **TITLE II—SEPARATION OF POWERS RESTORATION ACT**

Sec. 201. Short title.

Sec. 202. Judicial review of statutory and regulatory interpretations.

## **TITLE III—SMALL BUSINESS REGULATORY FLEXIBILITY IMPROVEMENTS ACT**

Sec. 301. Short title.

Sec. 302. Clarification and expansion of rules covered by the regulatory flexibility act.

Sec. 303. Expansion of report of regulatory agenda.

Sec. 304. Requirements providing for more detailed analyses.

Sec. 305. Repeal of waiver and delay authority; additional powers of the Chief Counsel for advocacy.

Sec. 306. Procedures for gathering comments.

Sec. 307. Periodic review of rules.

Sec. 308. Judicial review of compliance with the requirements of the regulatory flexibility act available after publication of the final rule.

Sec. 309. Jurisdiction of court of appeals over rules implementing the regulatory flexibility act.

Sec. 310. Establishment and approval of small business concern size standards by Chief Counsel for Advocacy.

Sec. 311. Clerical amendments.

Sec. 312. Agency preparation of guides.

Sec. 313. Comptroller general report.

## **TITLE IV—REQUIRE EVALUATION BEFORE IMPLEMENTING EXECUTIVE WISHLISTS ACT**

Sec. 401. Short title.

Sec. 402. Relief pending review.

## **TITLE V—ALL ECONOMIC REGULATIONS ARE TRANSPARENT ACT**

Sec. 501. Short title.

Sec. 502. Office of information and regulatory affairs publication of information relating to rules.

## **TITLE VI—PROVIDING ACCOUNTABILITY THROUGH TRANSPARENCY ACT**

Sec. 601. Short title.

Sec. 602. Requirement to post a 100 word summary to regulations.gov.

## **TITLE I—REGULATORY ACCOUNTABILITY ACT**

### **SEC. 101. SHORT TITLE.**

This title may be cited as the “Regulatory Accountability Act”.

### **SEC. 102. DEFINITIONS.**

Section 551 of title 5, United States Code, is amended—

(1) in paragraph (13), by striking “and” at the end;

(2) in paragraph (14), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(15) ‘major rule’ means any rule that the Administrator of the Office of Information and Regulatory Affairs determines is likely to impose—

“(A) an annual cost on the economy of \$100,000,000 or more, adjusted annually for inflation;

“(B) a major increase in costs or prices for consumers, individual industries, Federal, State, local, or tribal government agencies, or geographic regions;

“(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets; or

“(D) significant impacts on multiple sectors of the economy;

“(16) ‘high-impact rule’ means any rule that the Administrator of the Office of Information and Regulatory Affairs determines is likely to impose an annual cost on the economy of \$1,000,000,000 or more, adjusted annually for inflation;

“(17) ‘negative-impact on jobs and wages rule’ means any rule that the agency that made the rule or the Administrator of the

Office of Information and Regulatory Affairs determines is likely to—

“(A) in one or more sectors of the economy that has a 6-digit code under the North American Industry Classification System, reduce employment not related to new regulatory compliance by 1 percent or more annually during the 1-year, 5-year, or 10-year period after implementation;

“(B) in one or more sectors of the economy that has a 6-digit code under the North American Industry Classification System, reduce average weekly wages for employment not related to new regulatory compliance by 1 percent or more annually during the 1-year, 5-year, or 10-year period after implementation;

“(C) in any industry area (as such term is defined in the Current Population Survey conducted by the Bureau of Labor Statistics) in which the most recent annual unemployment rate for the industry area is greater than 5 percent, as determined by the Bureau of Labor Statistics in the Current Population Survey, reduce employment not related to new regulatory compliance during the first year after implementation; or

“(D) in any industry area in which the Bureau of Labor Statistics projects in the Occupational Employment Statistics program that the employment level will decrease by 1 percent or more, further reduce employment not related to new regulatory compliance during the first year after implementation;

“(18) ‘guidance’ means an agency statement of general applicability and future effect, other than a regulatory action, that sets forth a policy on a statutory, regulatory or technical issue or an interpretation of a statutory or regulatory issue;

“(19) ‘major guidance’ means guidance that the Administrator of the Office of Information and Regulatory Affairs finds is likely to lead to—

“(A) an annual cost on the economy of \$100,000,000 or more, adjusted annually for inflation;

“(B) a major increase in costs or prices for consumers, individual industries, Federal, State, local or tribal government agencies, or geographic regions;

“(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets; or

“(D) significant impacts on multiple sectors of the economy;

“(20) the ‘Information Quality Act’ means section 515 of Public Law 106-554, the Treasury and General Government Appropriations Act for Fiscal Year 2001, and guidelines issued by the Administrator of the Office of Information and Regulatory Affairs or other agencies pursuant to the Act; and

“(21) the ‘Office of Information and Regulatory Affairs’ means the office established under section 3503 of chapter 35 of title 44 and any successor to that office.”.

### **SEC. 103. RULE MAKING.**

(a) Section 553(a) of title 5, United States Code, is amended by striking “(a) This section applies” and inserting “(a) **APPLICABILITY.**—This section applies”.

(b) Section 553 of title 5, United States Code, is amended by striking subsections (b) through (e) and inserting the following:

“(b) **RULE MAKING CONSIDERATIONS.**—In a rule making, an agency shall make all preliminary and final factual determinations based on evidence and consider, in addition to other applicable considerations, the following:

“(1) The legal authority under which a rule may be proposed, including whether a rule making is required by statute, and if so,

whether by a specific date, or whether the agency has discretion to commence a rule making.

“(2) Other statutory considerations applicable to whether the agency can or should propose a rule or undertake other agency action.

“(3) The specific nature and significance of the problem the agency may address with a rule (including the degree and nature of risks the problem poses and the priority of addressing those risks compared to other matters or activities within the agency’s jurisdiction), whether the problem warrants new agency action, and the countervailing risks that may be posed by alternatives for new agency action.

“(4) Whether existing rules have created or contributed to the problem the agency may address with a rule and whether those rules could be amended or rescinded to address the problem in whole or part.

“(5) Any reasonable alternatives for a new rule or other response identified by the agency or interested persons, including not only responses that mandate particular conduct or manners of compliance, but also—

“(A) the alternative of no Federal response;

“(B) amending or rescinding existing rules;

“(C) potential regional, State, local, or tribal regulatory action or other responses that could be taken in lieu of agency action; and

“(D) potential responses that—

“(i) specify performance objectives rather than conduct or manners of compliance;

“(ii) establish economic incentives to encourage desired behavior;

“(iii) provide information upon which choices can be made by the public; or

“(iv) incorporate other innovative alternatives rather than agency actions that specify conduct or manners of compliance.

“(6) Notwithstanding any other provision of law—

“(A) the potential costs and benefits associated with potential alternative rules and other responses considered under section 553(b)(5), including direct, indirect, and cumulative costs and benefits and estimated impacts on jobs (including an estimate of the net gain or loss in domestic jobs), wages, economic growth, innovation, economic competitiveness, and impacts on low income populations;

“(B) means to increase the cost-effectiveness of any Federal response; and

“(C) incentives for innovation, consistency, predictability, lower costs of enforcement and compliance (to government entities, regulated entities, and the public), and flexibility.

“(c) **ADVANCE NOTICE OF PROPOSED RULE MAKING FOR MAJOR RULES, HIGH-IMPACT RULES, NEGATIVE-IMPACT ON JOBS AND WAGES RULES, AND RULES INVOLVING NOVEL LEGAL OR POLICY ISSUES.**—In the case of a rule making for a major rule, a high-impact rule, a negative-impact on jobs and wages rule, or a rule that involves a novel legal or policy issue arising out of statutory mandates, not later than 90 days before a notice of proposed rule making is published in the Federal Register, an agency shall publish advance notice of proposed rule making in the Federal Register. In publishing such advance notice, the agency shall—

“(1) include a written statement identifying, at a minimum—

“(A) the nature and significance of the problem the agency may address with a rule, including data and other evidence and information on which the agency expects to rely for the proposed rule;

“(B) the legal authority under which a rule may be proposed, including whether a rule making is required by statute, and if so,

whether by a specific date, or whether the agency has discretion to commence a rule making;

“(C) preliminary information available to the agency concerning the other considerations specified in subsection (b);

“(D) in the case of a rule that involves a novel legal or policy issue arising out of statutory mandates, the nature of and potential reasons to adopt the novel legal or policy position upon which the agency may base a proposed rule; and

“(E) an achievable objective for the rule and metrics by which the agency will measure progress toward that objective;

“(2) solicit written data, views or argument from interested persons concerning the information and issues addressed in the advance notice; and

“(3) provide for a period of not fewer than 60 days for interested persons to submit such written data, views, or argument to the agency.

“(d) **NOTICES OF PROPOSED RULE MAKING; DETERMINATIONS OF OTHER AGENCY COURSE.**—

(1) Before it determines to propose a rule, and following completion of procedures under subsection (c), if applicable, the agency shall consult with the Administrator of the Office of Information and Regulatory Affairs. If the agency thereafter determines to propose a rule, the agency shall publish a notice of proposed rule making, which shall include—

“(A) a statement of the time, place, and nature of public rule making proceedings;

“(B) reference to the legal authority under which the rule is proposed;

“(C) the terms of the proposed rule;

“(D) a description of information known to the agency on the subject and issues of the proposed rule, including but not limited to—

“(i) a summary of information known to the agency concerning the considerations specified in subsection (b);

“(ii) a summary of additional information the agency provided to and obtained from interested persons under subsection (c);

“(iii) a summary of any preliminary risk assessment or regulatory impact analysis performed by the agency; and

“(iv) information specifically identifying all data, studies, models, and other evidence or information considered or used by the agency in connection with its determination to propose the rule;

“(E)(i) a reasoned preliminary determination of need for the rule based on the information described under subparagraph (D);

“(ii) an additional statement of whether a rule is required by statute; and

“(iii) an achievable objective for the rule and metrics by which the agency will measure progress toward that objective;

“(F) a reasoned preliminary determination that the benefits of the proposed rule meet the relevant statutory objectives and justify the costs of the proposed rule (including all costs to be considered under subsection (b)(6)), based on the information described under subparagraph (D);

“(G) a discussion of—

“(i) the alternatives to the proposed rule, and other alternative responses, considered by the agency under subsection (b);

“(ii) the costs and benefits of those alternatives (including all costs to be considered under subsection (b)(6));

“(iii) whether those alternatives meet relevant statutory objectives; and

“(iv) why the agency did not propose any of those alternatives; and

“(H)(i) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule; and

“(ii) if so, whether or not the agency proposes to amend or rescind any such rules, and why.

All information provided to or considered by the agency, and steps to obtain information by the agency, in connection with its determination to propose the rule, including any preliminary risk assessment or regulatory impact analysis prepared by the agency and all other information prepared or described by the agency under subparagraph (D) and, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, information provided by that Office in consultations with the agency, shall be placed in the docket for the proposed rule and made accessible to the public by electronic means and otherwise for the public’s use when the notice of proposed rule making is published.

“(2)(A) If the agency undertakes procedures under subsection (c) and determines thereafter not to propose a rule, the agency shall, following consultation with the Office of Information and Regulatory Affairs, publish a notice of determination of other agency course. A notice of determination of other agency course shall include information required by paragraph (1)(D) to be included in a notice of proposed rule making and a description of the alternative response the agency determined to adopt.

“(B) If in its determination of other agency course the agency makes a determination to amend or rescind an existing rule, the agency need not undertake additional proceedings under subsection (c) before it publishes a notice of proposed rule making to amend or rescind the existing rule.

All information provided to or considered by the agency, and steps to obtain information by the agency, in connection with its determination of other agency course, including but not limited to any preliminary risk assessment or regulatory impact analysis prepared by the agency and all other information that would be required to be prepared or described by the agency under paragraph (1)(D) if the agency had determined to publish a notice of proposed rule making and, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, information provided by that Office in consultations with the agency, shall be placed in the docket for the determination and made accessible to the public by electronic means and otherwise for the public’s use when the notice of determination is published.

“(3) After notice of proposed rule making required by this section, the agency shall provide interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments with or without opportunity for oral presentation, except that—

“(A) if a hearing is required under paragraph (4)(B) or subsection (e), opportunity for oral presentation shall be provided pursuant to that requirement; or

“(B) when other than under subsection (e) of this section rules are required by statute or at the discretion of the agency to be made on the record after opportunity for an agency hearing, sections 556 and 557 shall apply, and paragraph (4), the requirements of subsection (e) to receive comment outside of the procedures of sections 556 and 557, and the petition procedures of subsection (e)(6) shall not apply.

The agency shall provide not fewer than 60 days for interested persons to submit written data, views, or argument (or 120 days in the case of a proposed major or high-impact rule).

“(4)(A) Within 30 days of publication of notice of proposed rule making, a member of

the public may petition for a hearing in accordance with section 556 to determine whether any evidence or other information upon which the agency bases the proposed rule fails to comply with the Information Quality Act.

“(B)(i) The agency may, upon review of the petition, determine without further process to exclude from the rule making the evidence or other information that is the subject of the petition and, if appropriate, withdraw the proposed rule. The agency shall promptly publish any such determination.

“(ii) If the agency does not resolve the petition under the procedures of clause (i), it shall grant any such petition that presents a prima facie case that evidence or other information upon which the agency bases the proposed rule fails to comply with the Information Quality Act, hold the requested hearing not later than 30 days after receipt of the petition, provide a reasonable opportunity for cross-examination at the hearing, and decide the issues presented by the petition not later than 60 days after receipt of the petition. The agency may deny any petition that it determines does not present such a prima facie case.

“(C) There shall be no judicial review of the agency’s disposition of issues considered and decided or determined under subparagraph (B)(ii) until judicial review of the agency’s final action. There shall be no judicial review of an agency’s determination to withdraw a proposed rule under subparagraph (B)(i) on the basis of the petition.

“(D) Failure to petition for a hearing under this paragraph shall not preclude judicial review of any claim based on the Information Quality Act under chapter 7 of this title.

“(e) **HEARINGS FOR HIGH-IMPACT RULES.**—Following notice of a proposed rule making, receipt of comments on the proposed rule, and any hearing held under subsection (d)(4), and before adoption of any high-impact rule, the agency shall hold a hearing in accordance with sections 556 and 557, unless such hearing is waived by all participants in the rule making other than the agency. The agency shall provide a reasonable opportunity for cross-examination at such hearing. The hearing shall be limited to the following issues of fact, except that participants at the hearing other than the agency may waive determination of any such issue:

“(1) Whether the agency’s asserted factual predicate for the rule is supported by the evidence.

“(2) Whether there is an alternative to the proposed rule that would achieve the relevant statutory objectives at a lower cost (including all costs to be considered under subsection (b)(6)) than the proposed rule.

“(3) If there is more than one alternative to the proposed rule that would achieve the relevant statutory objectives at a lower cost than the proposed rule, which alternative would achieve the relevant statutory objectives at the lowest cost.

“(4) Whether, if the agency proposes to adopt a rule that is more costly than the least costly alternative that would achieve the relevant statutory objectives (including all costs to be considered under subsection (b)(6)), the additional benefits of the more costly rule exceed the additional costs of the more costly rule.

“(5) Whether the evidence and other information upon which the agency bases the proposed rule meets the requirements of the Information Quality Act.

“(6) Upon petition by an interested person who has participated in the rule making, other issues relevant to the rule making, unless the agency determines that consideration of the issues at the hearing would not advance consideration of the rule or would,

in light of the nature of the need for agency action, unreasonably delay completion of the rule making. An agency shall grant or deny a petition under this paragraph within 30 days of its receipt of the petition.

No later than 45 days before any hearing held under this subsection or sections 556 and 557, the agency shall publish in the Federal Register a notice specifying the proposed rule to be considered at such hearing, the issues to be considered at the hearing, and the time and place for such hearing, except that such notice may be issued not later than 15 days before a hearing held under subsection (d)(4)(B).

“(f) **FINAL RULES.**—(1) The agency shall adopt a rule only following consultation with the Administrator of the Office of Information and Regulatory Affairs to facilitate compliance with applicable rule making requirements.

“(2) The agency shall adopt a rule only on the basis of the best reasonably obtainable scientific, technical, economic, and other evidence and information concerning the need for, consequences of, and alternatives to the rule.

“(3)(A) Except as provided in subparagraph (B), the agency shall adopt the least costly rule considered during the rule making (including all costs to be considered under subsection (b)(6)) that meets relevant statutory objectives.

“(B) The agency may adopt a rule that is more costly than the least costly alternative that would achieve the relevant statutory objectives only if the additional benefits of the more costly rule justify its additional costs and only if the agency explains its reason for doing so based on interests of public health, safety or welfare that are clearly within the scope of the statutory provision authorizing the rule.

“(4) When it adopts a final rule, the agency shall publish a notice of final rule making. The notice shall include—

“(A) a concise, general statement of the rule’s basis and purpose;

“(B) the agency’s reasoned final determination of need for a rule to address the problem the agency seeks to address with the rule, including a statement of whether a rule is required by statute and a summary of any final risk assessment or regulatory impact analysis prepared by the agency;

“(C) the agency’s reasoned final determination that the benefits of the rule meet the relevant statutory objectives and justify the rule’s costs (including all costs to be considered under subsection (b)(6));

“(D) the agency’s reasoned final determination not to adopt any of the alternatives to the proposed rule considered by the agency during the rule making, including—

“(i) the agency’s reasoned final determination that no alternative considered achieved the relevant statutory objectives with lower costs (including all costs to be considered under subsection (b)(6)) than the rule; or

“(ii) the agency’s reasoned determination that its adoption of a more costly rule complies with subsection (f)(3)(B);

“(E) the agency’s reasoned final determination—

“(i) that existing rules have not created or contributed to the problem the agency seeks to address with the rule; or

“(ii) that existing rules have created or contributed to the problem the agency seeks to address with the rule, and, if so—

“(I) why amendment or rescission of such existing rules is not alone sufficient to respond to the problem; and

“(II) whether and how the agency intends to amend or rescind the existing rule separate from adoption of the rule;

“(F) the agency’s reasoned final determination that the evidence and other information upon which the agency bases the rule complies with the Information Quality Act;

“(G) the agency’s reasoned final determination that the rule meets the objectives that the agency identified in subsection (d)(1)(E)(iii) or that other objectives are more appropriate in light of the full administrative record and the rule meets those objectives;

“(H) the agency’s reasoned final determination that it did not deviate from the metrics the agency included in subsection (d)(1)(E)(iii) or that other metrics are more appropriate in light of the full administrative record and the agency did not deviate from those metrics;

“(I)(i) for any major rule, high-impact rule, or negative-impact on jobs and wages rule, the agency’s plan for review of the rule no less than every ten years to determine whether, based upon evidence, there remains a need for the rule, whether the rule is in fact achieving statutory objectives, whether the rule’s benefits continue to justify its costs, and whether the rule can be modified or rescinded to reduce costs while continuing to achieve statutory objectives; and

“(ii) review of a rule under a plan required by clause (i) of this subparagraph shall take into account the factors and criteria set forth in subsections (b) through (f) of section 553 of this title; and

“(J) for any negative-impact on jobs and wages rule, a statement that the head of the agency that made the rule approved the rule knowing about the findings and determination of the agency or the Administrator of the Office of Information and Regulatory Affairs that qualified the rule as a negative impact on jobs and wages rule.

All information considered by the agency in connection with its adoption of the rule, and, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, information provided by that Office in consultations with the agency, shall be placed in the docket for the rule and made accessible to the public for the public’s use no later than when the rule is adopted.

“(g) **EXCEPTIONS FROM NOTICE AND HEARING REQUIREMENTS.**—(1) Except when notice or hearing is required by statute, the following do not apply to interpretive rules, general statements of policy, or rules of agency organization, procedure, or practice:

“(A) Subsections (c) through (e).

“(B) Paragraphs (1) through (3) of subsection (f).

“(C) Subparagraphs (B) through (H) of subsection (f)(4).

“(2)(A) When the agency for good cause, based upon evidence, finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that compliance with subsection (c), (d), or (e) or requirements to render final determinations under subsection (f) of this section before the issuance of an interim rule is impracticable or contrary to the public interest, including interests of national security, such subsections or requirements to render final determinations shall not apply to the agency’s adoption of an interim rule.

“(B) If, following compliance with subparagraph (A) of this paragraph, the agency adopts an interim rule, it shall commence proceedings that comply fully with subsections (d) through (f) of this section immediately upon publication of the interim rule, shall treat the publication of the interim rule as publication of a notice of proposed rule making and shall not be required to issue supplemental notice other than to complete full compliance with subsection (d). No less than 270 days from publication of the interim rule (or 18 months in the case of a

major rule or high-impact rule), the agency shall complete rule making under subsections (d) through (f) of this subsection and take final action to adopt a final rule or rescind the interim rule. If the agency fails to take timely final action, the interim rule will cease to have the effect of law.

“(C) Other than in cases involving interests of national security, upon the agency’s publication of an interim rule without compliance with subsection (c), (d), or (e) or requirements to render final determinations under subsection (f) of this section, an interested party may seek immediate judicial review under chapter 7 of this title of the agency’s determination to adopt such interim rule. The record on such review shall include all documents and information considered by the agency and any additional information presented by a party that the court determines necessary to consider to assure justice.

“(3) When the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are unnecessary, including because agency rule making is undertaken only to correct a de minimis technical or clerical error in a previously issued rule or for other noncontroversial purposes, the agency may publish a rule without compliance with subsection (c), (d), (e), or (f)(1)–(3) and (f)(4)(B)–(F). If the agency receives significant adverse comment within 60 days after publication of the rule, it shall treat the notice of the rule as a notice of proposed rule making and complete rule making in compliance with subsections (d) and (f).

“(h) ADDITIONAL REQUIREMENTS FOR HEARINGS.—When a hearing is required under subsection (e) or is otherwise required by statute or at the agency’s discretion before adoption of a rule, the agency shall comply with the requirements of sections 556 and 557 in addition to the requirements of subsection (f) in adopting the rule and in providing notice of the rule’s adoption.

“(i) DATE OF PUBLICATION OF RULE.—The required publication or service of a substantive final or interim rule shall be made not less than 30 days before the effective date of the rule, except—

“(1) a substantive rule which grants or recognizes an exemption or relieves a restriction;

“(2) interpretive rules and statements of policy; or

“(3) as otherwise provided by the agency for good cause found and published with the rule.

“(j) RIGHT TO PETITION.—Each agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule.

“(k) RULE MAKING GUIDELINES.—(1)(A) The Administrator of the Office of Information and Regulatory Affairs shall establish guidelines for the assessment, including quantitative and qualitative assessment, of the costs and benefits of proposed and final rules and other economic issues or issues related to risk that are relevant to rule making under this title. The rigor of cost-benefit analysis required by such guidelines shall be commensurate, in the Administrator’s determination, with the economic impact of the rule.

“(B) To ensure that agencies use the best available techniques to quantify and evaluate anticipated present and future benefits, costs, other economic issues, and risks as accurately as possible, the Administrator of the Office of Information and Regulatory Affairs shall regularly update guidelines established under paragraph (1)(A) of this subsection.

“(2) The Administrator of the Office of Information and Regulatory Affairs shall also

issue guidelines to promote coordination, simplification and harmonization of agency rules during the rule making process and otherwise. Such guidelines shall assure that each agency avoids regulations that are inconsistent or incompatible with, or duplicative of, its other regulations and those of other Federal agencies and drafts its regulations to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.

“(3) To ensure consistency in Federal rule making, the Administrator of the Office of Information and Regulatory Affairs shall—

“(A) issue guidelines and otherwise take action to ensure that rule makings conducted in whole or in part under procedures specified in provisions of law other than those of subchapter II of this title conform to the fullest extent allowed by law with the procedures set forth in section 553 of this title; and

“(B) issue guidelines for the conduct of hearings under subsections 553(d)(4) and 553(e) of this section, including to assure a reasonable opportunity for cross-examination. Each agency shall adopt regulations for the conduct of hearings consistent with the guidelines issued under this subparagraph.

“(4) The Administrator of the Office of Information and Regulatory Affairs shall issue guidelines pursuant to the Information Quality Act to apply in rule making proceedings under sections 553, 556, and 557 of this title. In all cases, such guidelines, and the Administrator’s specific determinations regarding agency compliance with such guidelines, shall be entitled to judicial deference.

“(l) INCLUSION IN THE RECORD OF CERTAIN DOCUMENTS AND INFORMATION.—The agency shall include in the record for a rule making, and shall make available by electronic means and otherwise, all documents and information prepared or considered by the agency during the proceeding, including, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, documents and information communicated by that Office during consultation with the Agency.

“(m) MONETARY POLICY EXEMPTION.—Nothing in subsection (b)(6), subparagraphs (F) and (G) of subsection (d)(1), subsection (e), subsection (f)(3), and subparagraphs (C) and (D) of subsection (f)(5) shall apply to rule makings that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.”

#### **SEC. 104. AGENCY GUIDANCE; PROCEDURES TO ISSUE MAJOR GUIDANCE; PRESIDENTIAL AUTHORITY TO ISSUE GUIDELINES FOR ISSUANCE OF GUIDANCE.**

(a) IN GENERAL.—Chapter 5 of title 5, United States Code, is amended by inserting after section 553 the following new section:

##### **“§ 553a. Agency guidance; procedures to issue major guidance; authority to issue guidelines for issuance of guidance**

“(a) Before issuing any major guidance, or guidance that involves a novel legal or policy issue arising out of statutory mandates, an agency shall—

“(1) make and document a reasoned determination that—

“(A) assures that such guidance is understandable and complies with relevant statutory objectives and regulatory provisions (including any statutory deadlines for agency action);

“(B) summarizes the evidence and data on which the agency will base the guidance;

“(C) identifies the costs and benefits (including all costs to be considered during a rule making under section 553(b) of this title)

of conduct conforming to such guidance and assures that such benefits justify such costs; and

“(D) describes alternatives to such guidance and their costs and benefits (including all costs to be considered during a rule making under section 553(b) of this title) and explains why the agency rejected those alternatives; and

“(2) confer with the Administrator of the Office of Information and Regulatory Affairs on the issuance of such guidance to assure that the guidance is reasonable, understandable, consistent with relevant statutory and regulatory provisions and requirements or practices of other agencies, does not produce costs that are unjustified by the guidance’s benefits, and is otherwise appropriate.

Upon issuing major guidance, or guidance that involves a novel legal or policy issue arising out of statutory mandates, the agency shall publish the documentation required by subparagraph (1) by electronic means and otherwise.

“(b) Agency guidance—

“(1) is not legally binding and may not be relied upon by an agency as legal grounds for agency action;

“(2) shall state in a plain, prominent and permanent manner that it is not legally binding; and

“(3) shall, at the time it is issued or upon request, be made available by the issuing agency to interested persons and the public by electronic means and otherwise.

Agencies shall avoid the issuance of guidance that is inconsistent or incompatible with, or duplicative of, the agency’s governing statutes or regulations, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.

“(c) The Administrator of the Office of Information and Regulatory Affairs shall have authority to issue guidelines for use by the agencies in the issuance of major guidance and other guidance. Such guidelines shall assure that each agency avoids issuing guidance documents that are inconsistent or incompatible with, or duplicative of, the law, its other regulations, or the regulations of other Federal agencies and drafts its guidance documents to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.”

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 553 the following new item:

“553a. Agency guidance; procedures to issue major guidance; authority to issue guidelines for issuance of guidance.”

#### **SEC. 105. HEARINGS; PRESIDING EMPLOYEES; POWERS AND DUTIES; BURDEN OF PROOF; EVIDENCE; RECORD AS BASIS OF DECISION.**

Section 556 of title 5, United States Code, is amended by striking subsection (e) and inserting the following:

“(e)(1) The transcript of testimony and exhibits, together with all papers and requests filed in the proceeding, constitutes the exclusive record for decision in accordance with section 557 and shall be made available to the parties and the public by electronic means and, upon payment of lawfully prescribed costs, otherwise. When an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.

“(2) Notwithstanding paragraph (1) of this subsection, in a proceeding held under this section pursuant to section 553(d)(4) or 553(e), the record for decision shall also include any

information that is part of the record of proceedings under section 553.

“(f) When an agency conducts rule making under this section and section 557 directly after concluding proceedings upon an advance notice of proposed rule making under section 553(c), the matters to be considered and determinations to be made shall include, among other relevant matters and determinations, the matters and determinations described in subsections (b) and (f) of section 553.

“(g) Upon receipt of a petition for a hearing under this section, the agency shall grant the petition in the case of any major rule, unless the agency reasonably determines that a hearing would not advance consideration of the rule or would, in light of the need for agency action, unreasonably delay completion of the rule making. The agency shall publish its decision to grant or deny the petition when it renders the decision, including an explanation of the grounds for decision. The information contained in the petition shall in all cases be included in the administrative record. This subsection shall not apply to rule makings that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.”.

#### SEC. 106. ACTIONS REVIEWABLE.

Section 704 of title 5, United States Code, is amended—

(1) by striking “Agency action made” and inserting “(a) Agency action made”; and

(2) by adding at the end the following: “Denial by an agency of a correction request or, where administrative appeal is provided for, denial of an appeal, under an administrative mechanism described in subsection (b)(2)(B) of the Information Quality Act, or the failure of an agency within 90 days to grant or deny such request or appeal, shall be final action for purposes of this section.

“(b) Other than in cases involving interests of national security, notwithstanding subsection (a) of this section, upon the agency’s publication of an interim rule without compliance with section 553(c), (d), or (e) or requirements to render final determinations under subsection (f) of section 553, an interested party may seek immediate judicial review under this chapter of the agency’s determination to adopt such rule on an interim basis. Review shall be limited to whether the agency abused its discretion to adopt the interim rule without compliance with section 553(c), (d), or (e) or without rendering final determinations under subsection (f) of section 553.”.

#### SEC. 107. SCOPE OF REVIEW.

Section 706 of title 5, United States Code is amended—

(1) by striking “To the extent necessary” and inserting “(a) To the extent necessary”; and

(2) in paragraph (2)(A) of subsection (b) (as designated by section 202 of this Act), by inserting after “in accordance with law” the following: “(including the Information Quality Act)”; and

(3) by adding at the end the following:

“(c) The court shall not defer to the agency’s—

“(1) determination of the costs and benefits or other economic or risk assessment of the action, if the agency failed to conform to guidelines on such determinations and assessments established by the Administrator of the Office of Information and Regulatory Affairs under section 553(k);

“(2) determinations made in the adoption of an interim rule; or

“(3) guidance.

“(d) The court shall review agency denials of petitions under section 553(e)(6) or any other petition for a hearing under sections 556 and 557 for abuse of agency discretion.”.

#### SEC. 108. ADDED DEFINITION.

Section 701(b) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2), by striking the period at the end, and inserting “; and”; and

(3) by adding at the end the following:

“(3) ‘substantial evidence’ means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of the record considered as a whole, taking into account whatever in the record fairly detracts from the weight of the evidence relied upon by the agency to support its decision.”.

#### SEC. 109. EFFECTIVE DATE.

The amendments made by this title to—

(1) sections 553, 556, and 704 of title 5, United States Code;

(2) subsection (b) of section 701 of such title;

(3) paragraphs (1) and (2) of section 706(c) of such title; and

(4) subsection (d) of section 706 of such title,

shall not apply to any rule makings pending or completed on the date of enactment of this title.

### TITLE II—SEPARATION OF POWERS RESTORATION ACT

#### SEC. 201. SHORT TITLE.

This title may be cited as the “Separation of Powers Restoration Act”.

#### SEC. 202. JUDICIAL REVIEW OF STATUTORY AND REGULATORY INTERPRETATIONS.

Section 706 of title 5, United States Code, as amended by this Act, is further amended—

(1) in subsection (a) (as designated by section 107 of this Act)—

(A) by striking “decide all relevant questions of law, interpret constitutional and statutory provisions, and”; and

(B) by inserting after “of the terms of an agency action” the following “and decide de novo all relevant questions of law, including the interpretation of constitutional and statutory provisions, and rules made by agencies. Notwithstanding any other provision of law, this subsection shall apply in any action for judicial review of agency action authorized under any provision of law. No law may exempt any such civil action from the application of this section except by specific reference to this section”; and

(2) by striking “The reviewing court shall—” and inserting the following:

“(b) The reviewing court shall—”.

### TITLE III—SMALL BUSINESS REGULATORY FLEXIBILITY IMPROVEMENTS ACT

#### SEC. 301. SHORT TITLE.

This title may be cited as the “Small Business Regulatory Flexibility Improvements Act”.

#### SEC. 302. CLARIFICATION AND EXPANSION OF RULES COVERED BY THE REGULATORY FLEXIBILITY ACT.

(a) IN GENERAL.—Paragraph (2) of section 601 of title 5, United States Code, is amended to read as follows:

“(2) RULE.—The term ‘rule’ has the meaning given such term in section 551(4) of this title, except that such term does not include—

“(A) a rule pertaining to the protection of the rights of and benefits for veterans or part 232 of title 32 of the Code of Federal Regulations (as in effect on July 1, 2014) or any successor provisions thereto; or

“(B) a rule of particular (and not general) applicability relating to rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services, or allowances therefor or to valuations, costs or accounting, or practices relating to such rates, wages, structures, prices, appliances, services, or allowances.”.

(b) INCLUSION OF RULES WITH INDIRECT EFFECTS.—Section 601 of title 5, United States Code, is amended by adding at the end the following new paragraph:

“(9) ECONOMIC IMPACT.—The term ‘economic impact’ means, with respect to a proposed or final rule—

“(A) any direct economic effect on small entities of such rule; and

“(B) any indirect economic effect (including compliance costs and effects on revenue) on small entities which is reasonably foreseeable and results from such rule (without regard to whether small entities will be directly regulated by the rule).”.

(c) INCLUSION OF RULES WITH BENEFICIAL EFFECTS.—

(1) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (c) of section 603 of title 5, United States Code, is amended by striking the first sentence and inserting “Each initial regulatory flexibility analysis shall also contain a detailed description of alternatives to the proposed rule which minimize any adverse significant economic impact or maximize any beneficial significant economic impact on small entities.”.

(2) FINAL REGULATORY FLEXIBILITY ANALYSIS.—The first paragraph (6) of section 604(a) of title 5, United States Code, is amended by striking “minimize the significant economic impact” and inserting “minimize the adverse significant economic impact or maximize the beneficial significant economic impact”.

(d) INCLUSION OF RULES AFFECTING TRIBAL ORGANIZATIONS.—Paragraph (5) of section 601 of title 5, United States Code, is amended by inserting “and tribal organizations (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(1))),” after “special districts.”.

(e) INCLUSION OF LAND MANAGEMENT PLANS AND FORMAL RULEMAKING.—

(1) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (a) of section 603 of title 5, United States Code, is amended in the first sentence—

(A) by striking “or” after “proposed rule,”; and

(B) by inserting “or publishes a revision or amendment to a land management plan,” after “United States.”.

(2) FINAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (a) of section 604 of title 5, United States Code, is amended in the first sentence—

(A) by striking “or” after “proposed rulemaking,”; and

(B) by inserting “or adopts a revision or amendment to a land management plan,” after “section 603(a).”.

(3) LAND MANAGEMENT PLAN DEFINED.—Section 601 of title 5, United States Code, is amended by adding at the end the following new paragraph:

“(10) LAND MANAGEMENT PLAN.—

“(A) IN GENERAL.—The term ‘land management plan’ means—

“(i) any plan developed by the Secretary of Agriculture under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604); and

“(ii) any plan developed by the Secretary of the Interior under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

“(B) REVISION.—The term ‘revision’ means any change to a land management plan which—

“(i) in the case of a plan described in subparagraph (A)(i), is made under section 6(f)(5) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)); or

“(ii) in the case of a plan described in subparagraph (A)(ii), is made under section

1610.5-6 of title 43, Code of Federal Regulations (or any successor regulation).

“(C) AMENDMENT.—The term ‘amendment’ means any change to a land management plan which—

“(i) in the case of a plan described in subparagraph (A)(i), is made under section 6(f)(4) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(4)) and with respect to which the Secretary of Agriculture prepares a statement described in section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); or

“(ii) in the case of a plan described in subparagraph (A)(ii), is made under section 1610.5-5 of title 43, Code of Federal Regulations (or any successor regulation) and with respect to which the Secretary of the Interior prepares a statement described in section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).”.

(f) INCLUSION OF CERTAIN INTERPRETIVE RULES INVOLVING THE INTERNAL REVENUE LAWS.—

(1) IN GENERAL.—Subsection (a) of section 603 of title 5, United States Code, is amended by striking the period at the end and inserting “or a recordkeeping requirement, and without regard to whether such requirement is imposed by statute or regulation.”.

(2) COLLECTION OF INFORMATION.—Paragraph (7) of section 601 of title 5, United States Code, is amended to read as follows:

“(7) COLLECTION OF INFORMATION.—The term ‘collection of information’ has the meaning given such term in section 3502(3) of title 44.”.

(3) RECORDKEEPING REQUIREMENT.—Paragraph (8) of section 601 of title 5, United States Code, is amended to read as follows:

“(8) RECORDKEEPING REQUIREMENT.—The term ‘recordkeeping requirement’ has the meaning given such term in section 3502(13) of title 44.”.

(g) DEFINITION OF SMALL ORGANIZATION.—Paragraph (4) of section 601 of title 5, United States Code, is amended to read as follows:

“(4) SMALL ORGANIZATION.—

“(A) IN GENERAL.—The term ‘small organization’ means any not-for-profit enterprise which, as of the issuance of the notice of proposed rulemaking—

“(i) in the case of an enterprise which is described by a classification code of the North American Industrial Classification System, does not exceed the size standard established by the Administrator of the Small Business Administration pursuant to section 3 of the Small Business Act (15 U.S.C. 632) for small business concerns described by such classification code; and

“(ii) in the case of any other enterprise, has a net worth that does not exceed \$7 million and has not more than 500 employees.

“(B) LOCAL LABOR ORGANIZATIONS.—In the case of any local labor organization, subparagraph (A) shall be applied without regard to any national or international organization of which such local labor organization is a part.

“(C) AGENCY DEFINITIONS.—Subparagraphs (A) and (B) shall not apply to the extent that an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions for such term which are appropriate to the activities of the agency and publishes such definitions in the Federal Register.”.

#### SEC. 303. EXPANSION OF REPORT OF REGULATORY AGENDA.

Section 602 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “, and” at the end and inserting “;”;;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

“(3) a brief description of the sector of the North American Industrial Classification System that is primarily affected by any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities; and”;

(2) in subsection (c), to read as follows:

“(c) Each agency shall prominently display a plain language summary of the information contained in the regulatory flexibility agenda published under subsection (a) on its website within 3 days of its publication in the Federal Register. The Office of Advocacy of the Small Business Administration shall compile and prominently display a plain language summary of the regulatory agendas referenced in subsection (a) for each agency on its website within 3 days of their publication in the Federal Register.”.

#### SEC. 304. REQUIREMENTS PROVIDING FOR MORE DETAILED ANALYSES.

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (b) of section 603 of title 5, United States Code, is amended to read as follows:

“(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed statement—

“(1) describing the reasons why action by the agency is being considered;

“(2) describing the objectives of, and legal basis for, the proposed rule;

“(3) estimating the number and type of small entities to which the proposed rule will apply;

“(4) describing the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report and record;

“(5) describing all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided;

“(6) estimating the additional cumulative economic impact of the proposed rule on small entities beyond that already imposed on the class of small entities by the agency or why such an estimate is not available;

“(7) describing any disproportionate economic impact on small entities or a specific class of small entities; and

“(8) describing any impairment of the ability of small entities to have access to credit.”.

(b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

(1) IN GENERAL.—Section 604(a) of title 5, United States Code, is amended—

(A) in paragraph (4), by striking “an explanation” and inserting “a detailed explanation”;

(B) in each of paragraphs (4), (5), and the first paragraph (6), by inserting “detailed” before “description”;

(C) in the first paragraph (6), by striking “; and” at the end;

(D) in the second paragraph (6), by striking the period and inserting “; and”;

(E) by redesignating the second paragraph (6) as paragraph (7); and

(F) by adding at the end the following:

“(8) a detailed description of any disproportionate economic impact on small entities or a specific class of small entities.”.

(2) INCLUSION OF RESPONSE TO COMMENTS ON CERTIFICATION OF PROPOSED RULE.—Paragraph (2) of section 604(a) of title 5, United States Code, is amended by inserting “(or certification of the proposed rule under sec-

tion 605(b))” after “initial regulatory flexibility analysis”.

(3) PUBLICATION OF ANALYSIS ON WEBSITE.—Subsection (b) of section 604 of title 5, United States Code, is amended to read as follows:

“(b) The agency shall make copies of the final regulatory flexibility analysis available to the public, including placement of the entire analysis on the agency’s website, and shall publish in the Federal Register the final regulatory flexibility analysis, or a summary thereof which includes the telephone number, mailing address, and link to the website where the complete analysis may be obtained.”.

(c) CROSS-REFERENCES TO OTHER ANALYSES.—Subsection (a) of section 605 of title 5, United States Code, is amended to read as follows:

“(a) A Federal agency shall be treated as satisfying any requirement regarding the content of an agenda or regulatory flexibility analysis under section 602, 603, or 604, if such agency provides in such agenda or analysis a cross-reference to the specific portion of another agenda or analysis which is required by any other law and which satisfies such requirement.”.

(d) CERTIFICATIONS.—Subsection (b) of section 605 of title 5, United States Code, is amended—

(1) by inserting “detailed” before “statement” the first place it appears; and

(2) by inserting “and legal” after “factual”.

(e) QUANTIFICATION REQUIREMENTS.—Section 607 of title 5, United States Code, is amended to read as follows:

#### “§ 607. Quantification requirements

“In complying with sections 603 and 604, an agency shall provide—

“(1) a quantifiable or numerical description of the effects of the proposed or final rule and alternatives to the proposed or final rule; or

“(2) a more general descriptive statement and a detailed statement explaining why quantification is not practicable or reliable.”.

#### SEC. 305. REPEAL OF WAIVER AND DELAY AUTHORITY; ADDITIONAL POWERS OF THE CHIEF COUNSEL FOR ADVOCACY.

(a) IN GENERAL.—Section 608 of title 5, United States Code, is amended to read as follows:

#### “§ 608. Additional powers of Chief Counsel for Advocacy

“(a)(1) Not later than 270 days after the date of the enactment of this section, the Chief Counsel for Advocacy of the Small Business Administration shall, after opportunity for notice and comment under section 553, issue rules governing agency compliance with this chapter. The Chief Counsel may modify or amend such rules after notice and comment under section 553. This chapter (other than this subsection) shall not apply with respect to the issuance, modification, and amendment of rules under this paragraph.

“(2) An agency shall not issue rules which supplement the rules issued under subsection (a) unless such agency has first consulted with the Chief Counsel for Advocacy to ensure that such supplemental rules comply with this chapter and the rules issued under paragraph (1).

“(b) Notwithstanding any other law, the Chief Counsel for Advocacy of the Small Business Administration may intervene in any agency adjudication (unless such agency is authorized to impose a fine or penalty under such adjudication), and may inform the agency of the impact that any decision on the record may have on small entities. The Chief Counsel shall not initiate an appeal with respect to any adjudication in



which the Chief Counsel intervenes under this subsection.

“(c) The Chief Counsel for Advocacy may file comments in response to any agency notice requesting comment, regardless of whether the agency is required to file a general notice of proposed rulemaking under section 553.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 611(a)(1) of such title is amended by striking “608(b).”.

(2) Section 611(a)(2) of such title is amended by striking “608(b).”.

(3) Section 611(a)(3) of such title is amended—

(A) by striking subparagraph (B); and

(B) by striking “(3)(A) A small entity” and inserting the following:

“(3) A small entity”.

#### SEC. 306. PROCEDURES FOR GATHERING COMMENTS.

Section 609 of title 5, United States Code, is amended by striking subsection (b) and all that follows through the end of the section and inserting the following:

“(b)(1) Prior to publication of any proposed rule described in subsection (e), an agency making such rule shall notify the Chief Counsel for Advocacy of the Small Business Administration and provide the Chief Counsel with—

“(A) all materials prepared or utilized by the agency in making the proposed rule, including the draft of the proposed rule; and

“(B) information on the potential adverse and beneficial economic impacts of the proposed rule on small entities and the type of small entities that might be affected.

“(2) An agency shall not be required under paragraph (1) to provide the exact language of any draft if the rule—

“(A) relates to the internal revenue laws of the United States; or

“(B) is proposed by an independent regulatory agency (as defined in section 3502(5) of title 44).

“(c) Not later than 15 days after the receipt of such materials and information under subsection (b), the Chief Counsel for Advocacy of the Small Business Administration shall—

“(1) identify small entities or representatives of small entities or a combination of both for the purpose of obtaining advice, input, and recommendations from those persons about the potential economic impacts of the proposed rule and the compliance of the agency with section 603; and

“(2) convene a review panel consisting of an employee from the Office of Advocacy of the Small Business Administration, an employee from the agency making the rule, and in the case of an agency other than an independent regulatory agency (as defined in section 3502(5) of title 44), an employee from the Office of Information and Regulatory Affairs of the Office of Management and Budget to review the materials and information provided to the Chief Counsel under subsection (b).

“(d)(1) Not later than 60 days after the review panel described in subsection (c)(2) is convened, the Chief Counsel for Advocacy of the Small Business Administration shall, after consultation with the members of such panel, submit a report to the agency and, in the case of an agency other than an independent regulatory agency (as defined in section 3502(5) of title 44), the Office of Information and Regulatory Affairs of the Office of Management and Budget.

“(2) Such report shall include an assessment of the economic impact of the proposed rule on small entities, including an assessment of the proposed rule's impact on the cost that small entities pay for energy, an assessment of the proposed rule's impact on startup costs for small entities, and a discus-

sion of any alternatives that will minimize adverse significant economic impacts or maximize beneficial significant economic impacts on small entities.

“(3) Such report shall become part of the rulemaking record. In the publication of the proposed rule, the agency shall explain what actions, if any, the agency took in response to such report.

“(e) A proposed rule is described by this subsection if the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget, the head of the agency (or the delegatee of the head of the agency), or an independent regulatory agency determines that the proposed rule is likely to result in—

“(1) an annual effect on the economy of \$100 million or more;

“(2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local governments, tribal organizations, or geographic regions;

“(3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets; or

“(4) a significant economic impact on a substantial number of small entities.

“(f) Upon application by the agency, the Chief Counsel for Advocacy of the Small Business Administration may waive the requirements of subsections (b) through (e) if the Chief Counsel determines that compliance with the requirements of such subsections are impracticable, unnecessary, or contrary to the public interest.

“(g) A small entity or a representative of a small entity may submit a request that the agency provide a copy of the report prepared under subsection (d) and all materials and information provided to the Chief Counsel for Advocacy of the Small Business Administration under subsection (b). The agency receiving such request shall provide the report, materials and information to the requesting small entity or representative of a small entity not later than 10 business days after receiving such request, except that the agency shall not disclose any information that is prohibited from disclosure to the public pursuant to section 552(b) of this title.”.

#### SEC. 307. PERIODIC REVIEW OF RULES.

Section 610 of title 5, United States Code, is amended to read as follows:

##### “§ 610. Periodic review of rules

“(a) Not later than 180 days after the enactment of this section, each agency shall publish in the Federal Register and place on its website a plan for the periodic review of rules issued by the agency which the head of the agency determines have a significant economic impact on a substantial number of small entities. Such determination shall be made without regard to whether the agency performed an analysis under section 604. The purpose of the review shall be to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any adverse significant economic impacts or maximize any beneficial significant economic impacts on a substantial number of small entities. Such plan may be amended by the agency at any time by publishing the revision in the Federal Register and subsequently placing the amended plan on the agency's website.

“(b) The plan shall provide for the review of all such agency rules existing on the date of the enactment of this section within 10 years of the date of publication of the plan in the Federal Register and for review of rules adopted after the date of enactment of this

section within 10 years after the publication of the final rule in the Federal Register. If the head of the agency determines that completion of the review of existing rules is not feasible by the established date, the head of the agency shall so certify in a statement published in the Federal Register and may extend the review for not longer than 2 years after publication of notice of extension in the Federal Register. Such certification and notice shall be sent to the Chief Counsel for Advocacy of the Small Business Administration and the Congress.

“(c) The plan shall include a section that details how an agency will conduct outreach to and meaningfully include small businesses (including small business concerns owned and controlled by women, small business concerns owned and controlled by veterans, and small business concerns owned and controlled by socially and economically disadvantaged individuals (as such terms are defined in the Small Business Act)) for the purposes of carrying out this section. The agency shall include in this section a plan for how the agency will contact small businesses and gather their input on existing agency rules.

“(d) Each agency shall annually submit a report regarding the results of its review pursuant to such plan to the Congress, the Chief Counsel for Advocacy of the Small Business Administration, and, in the case of agencies other than independent regulatory agencies (as defined in section 3502(5) of title 44) to the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget. Such report shall include the identification of any rule with respect to which the head of the agency made a determination described in paragraph (5) or (6) of subsection (e) and a detailed explanation of the reasons for such determination.

“(e) In reviewing a rule pursuant to subsections (a) through (d), the agency shall amend or rescind the rule to minimize any adverse significant economic impact on a substantial number of small entities or disproportionate economic impact on a specific class of small entities, or maximize any beneficial significant economic impact of the rule on a substantial number of small entities to the greatest extent possible, consistent with the stated objectives of applicable statutes. In amending or rescinding the rule, the agency shall consider the following factors:

“(1) The continued need for the rule.

“(2) The nature of complaints received by the agency from small entities concerning the rule.

“(3) Comments by the Regulatory Enforcement Ombudsman and the Chief Counsel for Advocacy of the Small Business Administration.

“(4) The complexity of the rule.

“(5) The extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, unless the head of the agency determines it to be infeasible, State, territorial, and local rules.

“(6) The contribution of the rule to the cumulative economic impact of all Federal rules on the class of small entities affected by the rule, unless the head of the agency determines that such calculations cannot be made and reports that determination in the annual report required under subsection (d).

“(7) The length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

“(f) Each year, each agency shall publish in the Federal Register and on its website a list of rules to be reviewed pursuant to such plan. The agency shall include in the publication a solicitation of public comments on

any further inclusions or exclusions of rules from the list, and shall respond to such comments. Such publication shall include a brief description of the rule, the reason why the agency determined that it has a significant economic impact on a substantial number of small entities (without regard to whether it had prepared a final regulatory flexibility analysis for the rule), and request comments from the public, the Chief Counsel for Advocacy of the Small Business Administration, and the Regulatory Enforcement Ombudsman concerning the enforcement of the rule."

**SEC. 308. JUDICIAL REVIEW OF COMPLIANCE WITH THE REQUIREMENTS OF THE REGULATORY FLEXIBILITY ACT AVAILABLE AFTER PUBLICATION OF THE FINAL RULE.**

(a) IN GENERAL.—Paragraph (1) of section 611(a) of title 5, United States Code, is amended by striking "final agency action" and inserting "such rule".

(b) JURISDICTION.—Paragraph (2) of such section is amended by inserting "(or which would have such jurisdiction if publication of the final rule constituted final agency action)" after "provision of law,".

(c) TIME FOR BRINGING ACTION.—Paragraph (3) of such section is amended—

(1) by striking "final agency action" and inserting "publication of the final rule"; and

(2) by inserting "; in the case of a rule for which the date of final agency action is the same date as the publication of the final rule," after "except that".

(d) INTERVENTION BY CHIEF COUNSEL FOR ADVOCACY.—Subsection (b) of section 612 of title 5, United States Code, is amended by inserting before the first period "or agency compliance with section 601, 603, 604, 605(b), 609, or 610".

**SEC. 309. JURISDICTION OF COURT OF APPEALS OVER RULES IMPLEMENTING THE REGULATORY FLEXIBILITY ACT.**

(a) IN GENERAL.—Section 2342 of title 28, United States Code, is amended—

(1) in paragraph (6), by striking "and" at the end;

(2) in paragraph (7), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (7) the following new paragraph:

"(8) all final rules under section 608(a) of title 5."

(b) CONFORMING AMENDMENTS.—Paragraph (3) of section 2341 of title 28, United States Code, is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(F) the Office of Advocacy of the Small Business Administration, when the final rule is under section 608(a) of title 5."

(c) AUTHORIZATION TO INTERVENE AND COMMENT ON AGENCY COMPLIANCE WITH ADMINISTRATIVE PROCEDURE.—Subsection (b) of section 612 of title 5, United States Code, is amended by inserting "chapter 5, and chapter 7," after "this chapter,".

**SEC. 310. ESTABLISHMENT AND APPROVAL OF SMALL BUSINESS CONCERN SIZE STANDARDS BY CHIEF COUNSEL FOR ADVOCACY.**

(a) IN GENERAL.—Subparagraph (A) of section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2)(A)) is amended to read as follows:

"(A) IN GENERAL.—In addition to the criteria specified in paragraph (1)—

"(i) the Administrator may specify detailed definitions or standards by which a business concern may be determined to be a small business concern for purposes of this Act or the Small Business Investment Act of 1958; and

"(ii) the Chief Counsel for Advocacy may specify such definitions or standards for purposes of any other Act.".

(b) APPROVAL BY CHIEF COUNSEL.—Clause (iii) of section 3(a)(2)(C) of the Small Business Act (15 U.S.C. 632(a)(2)(C)(iii)) is amended to read as follows:

"(iii) except in the case of a size standard prescribed by the Administrator, is approved by the Chief Counsel for Advocacy."

(c) INDUSTRY VARIATION.—Paragraph (3) of section 3(a) of the Small Business Act (15 U.S.C. 632(a)(3)) is amended—

(1) by inserting "or Chief Counsel for Advocacy, as appropriate" before "shall ensure"; and

(2) by inserting "or Chief Counsel for Advocacy" before the period at the end.

(d) JUDICIAL REVIEW OF SIZE STANDARDS APPROVED BY CHIEF COUNSEL.—Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following new paragraph:

"(9) JUDICIAL REVIEW OF STANDARDS APPROVED BY CHIEF COUNSEL.—In the case of an action for judicial review of a rule which includes a definition or standard approved by the Chief Counsel for Advocacy under this subsection, the party seeking such review shall be entitled to join the Chief Counsel as a party in such action."

**SEC. 311. CLERICAL AMENDMENTS.**

(a) DEFINITIONS.—Section 601 of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking "(1) the term" and inserting the following:

"(1) AGENCY.—The term";

(2) in paragraph (3)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking "(3) the term" and inserting the following:

"(3) SMALL BUSINESS.—The term";

(3) in paragraph (5)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking "(5) the term" and inserting the following:

"(5) SMALL GOVERNMENTAL JURISDICTION.—The term"; and

(4) in paragraph (6)—

(A) by striking "; and" and inserting a period; and

(B) by striking "(6) the term" and inserting the following:

"(6) SMALL ENTITY.—The term".

(b) INCORPORATIONS BY REFERENCE AND CERTIFICATIONS.—The heading of section 605 of title 5, United States Code, is amended to read as follows:

**"§ 605. Incorporations by reference and certifications".**

(c) TABLE OF SECTIONS.—The table of sections for chapter 6 of title 5, United States Code, is amended as follows:

(1) By striking the item relating to section 605 and inserting the following new item:

"605. Incorporations by reference and certifications."

(2) By striking the item relating to section 607 and inserting the following new item:

"607. Quantification requirements."

(3) By striking the item relating to section 608 and inserting the following:

"608. Additional powers of Chief Counsel for Advocacy."

(d) OTHER CLERICAL AMENDMENTS TO CHAPTER 6.—Chapter 6 of title 5, United States Code, is amended in section 603(d)—

(1) by striking paragraph (2);

(2) by striking "(1) For a covered agency," and inserting "For a covered agency,";

(3) by striking "(A) any" and inserting "(1) any";

(4) by striking "(B) any" and inserting "(2) any"; and

(5) by striking "(C) advice" and inserting "(3) advice".

**SEC. 312. AGENCY PREPARATION OF GUIDES.**

Section 212(a)(5) the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended to read as follows:

"(5) AGENCY PREPARATION OF GUIDES.—The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities and may cooperate with associations of small entities to distribute such guides. In developing guides, agencies shall solicit input from affected small entities or associations of affected small entities. An agency may prepare guides and apply this section with respect to a rule or a group of related rules."

**SEC. 313. COMPTROLLER GENERAL REPORT.**

Not later than 90 days after the date of enactment of this title, the Comptroller General of the United States shall complete and publish a study that examines whether the Chief Counsel for Advocacy of the Small Business Administration has the capacity and resources to carry out the duties of the Chief Counsel under this title and the amendments made by this title.

**TITLE IV—REQUIRE EVALUATION BEFORE IMPLEMENTING EXECUTIVE WISHLISTS ACT**

**SEC. 401. SHORT TITLE.**

This title may be cited as the "Require Evaluation before Implementing Executive Wishlists Act" or as the "REVIEW Act".

**SEC. 402. RELIEF PENDING REVIEW.**

Section 705 of title 5, United States Code, is amended—

(1) by striking "When" and inserting the following:

"(a) IN GENERAL.—When"; and

(2) by adding at the end the following:

"(b) HIGH-IMPACT RULES.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'Administrator' means the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget; and

"(B) the term 'high-impact rule' means any rule that the Administrator determines may impose an annual cost on the economy of not less than \$1,000,000,000.

"(2) IDENTIFICATION.—A final rule may not be published or take effect until the agency making the rule submits the rule to the Administrator and the Administrator makes a determination as to whether the rule is a high-impact rule, which shall be published by the agency with the final rule.

"(3) RELIEF.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an agency shall postpone the effective date of a high-impact rule of the agency until the final disposition of all actions seeking judicial review of the rule.

"(B) FAILURE TO TIMELY SEEK JUDICIAL REVIEW.—Notwithstanding section 553(i), if no person seeks judicial review of a high-impact rule—

"(i) during any period explicitly provided for judicial review under the statute authorizing the making of the rule; or

"(ii) if no such period is explicitly provided for, during the 60-day period beginning on the date on which the high-impact rule is published in the Federal Register,

the high-impact rule may take effect as early as the date on which the applicable period ends.

“(4) **RULE OF CONSTRUCTION.**—Nothing in this subsection may be construed to impose any limitation under law on any court against the issuance of any order enjoining the implementation of any rule.”

#### **TITLE V—ALL ECONOMIC REGULATIONS ARE TRANSPARENT ACT**

##### **SEC. 501. SHORT TITLE.**

This title may be cited as the “All Economic Regulations are Transparent Act” or the “ALERT Act”.

##### **SEC. 502. OFFICE OF INFORMATION AND REGULATORY AFFAIRS PUBLICATION OF INFORMATION RELATING TO RULES.**

(a) **AMENDMENT.**—Title 5, United States Code, is amended by inserting after chapter 6, the following new chapter:

#### **“CHAPTER 6A—OFFICE OF INFORMATION AND REGULATORY AFFAIRS PUBLICATION OF INFORMATION RELATING TO RULES**

“Sec. 651. Agency monthly submission to office of information and regulatory affairs.

“Sec. 652. Office of information and regulatory affairs publications.

“Sec. 653. Requirement for rules to appear in agency-specific monthly publication.

“Sec. 654. Definitions.

##### **“SEC. 651. AGENCY MONTHLY SUBMISSION TO OFFICE OF INFORMATION AND REGULATORY AFFAIRS.**

“On a monthly basis, the head of each agency shall submit to the Administrator of the Office of Information and Regulatory Affairs (referred to in this chapter as the ‘Administrator’), in such a manner as the Administrator may reasonably require, the following information:

“(1) For each rule that the agency expects to propose or finalize during the 12-month period following the month covered by the monthly submission:

“(A) A summary of the nature of the rule, including the regulation identifier number and the docket number for the rule.

“(B) The objectives of and legal basis for the issuance of the rule, including—

“(i) any statutory or judicial deadline; and

“(ii) whether the legal basis restricts or precludes the agency from conducting an analysis of the costs or benefits of the rule during the rule making, and if not, whether the agency plans to conduct an analysis of the costs or benefits of the rule during the rule making.

“(C) Whether the agency plans to claim an exemption from the requirements of section 553 pursuant to section 553(g)(2)(A).

“(D) The stage of the rule making as of the date of submission.

“(E) Whether the rule is subject to review under section 610.

“(2) For any rule for which the agency expects to finalize during the 12-month period following the month covered by the monthly submission and has issued a general notice of proposed rule making—

“(A) an approximate schedule for completing action on the rule;

“(B) an estimate of whether the rule will cost—

“(i) less than \$50,000,000;

“(ii) \$50,000,000 or more but less than \$100,000,000;

“(iii) \$100,000,000 or more but less than \$500,000,000;

“(iv) \$500,000,000 or more but less than \$1,000,000,000;

“(v) \$1,000,000,000 or more but less than \$5,000,000,000;

“(vi) \$5,000,000,000 or more but less than \$10,000,000,000; or

“(vii) \$10,000,000,000 or more; and

“(C) any estimate of the economic effects of the rule, including the imposition of unfunded mandates and any estimate of the net effect that the rule will have on the number of jobs in the United States, that was considered in drafting the rule, or, if no such estimate is available, a statement affirming that no information on the economic effects, including the effect on the number of jobs, of the rule has been considered.

##### **“SEC. 652. OFFICE OF INFORMATION AND REGULATORY AFFAIRS PUBLICATIONS.**

“(a) **AGENCY-SPECIFIC INFORMATION PUBLISHED MONTHLY.**—Not later than 30 days after the submission of information pursuant to section 651, the Administrator shall make such information publicly available on the Internet.

“(b) **CUMULATIVE ASSESSMENT OF AGENCY RULE MAKING PUBLISHED ANNUALLY.**—

“(1) **PUBLICATION IN THE FEDERAL REGISTER.**—Not later than October 1 of each year, the Administrator shall publish in the Federal Register the following, with respect to the previous year:

“(A) The information that the Administrator received from the head of each agency under section 651.

“(B) The number of rules and a list of each such rule—

“(i) that was proposed by each agency, including, for each such rule, an indication of whether the issuing agency conducted an analysis of the costs or benefits of the rule; and

“(ii) that was finalized by each agency, including for each such rule an indication of whether—

“(I) the issuing agency conducted an analysis of the costs or benefits of the rule;

“(II) the agency claimed an exemption from the procedures under section 553 pursuant to section 553(g)(2)(A); and

“(III) the rule was issued pursuant to a statutory mandate or the rule making is committed to agency discretion by law.

“(C) The number of agency actions and a list of each such action taken by each agency that—

“(i) repealed a rule;

“(ii) reduced the scope of a rule;

“(iii) reduced the cost of a rule; or

“(iv) accelerated the expiration date of a rule.

“(D) The total cost (without reducing the cost by any offsetting benefits) of all rules proposed or finalized, the total cost of any unfunded mandates imposed by all such rules, and the number of rules for which an estimate of the cost of the rule was not available.

“(2) **PUBLICATION ON THE INTERNET.**—Not later than October 1 of each year, the Administrator shall make publicly available on the Internet the following:

“(A) The analysis of the costs or benefits, if conducted, for each proposed rule or final rule issued by an agency for the previous year.

“(B) The docket number and regulation identifier number for each proposed or final rule issued by an agency for the previous year.

“(C) The number of rules and a list of each such rule reviewed by the Director of the Office of Management and Budget for the previous year, and the authority under which each such review was conducted.

“(D) The number of rules and a list of each such rule for which the head of an agency completed a review under section 610 for the previous year.

“(E) The number of rules and a list of each such rule submitted to the Comptroller General under section 801.

“(F) The number of rules and a list of each such rule for which a resolution of dis-

approval was introduced in either the House of Representatives or the Senate under section 802.

##### **“SEC. 653. REQUIREMENT FOR RULES TO APPEAR IN AGENCY-SPECIFIC MONTHLY PUBLICATION.**

“(a) **IN GENERAL.**—Subject to subsection (b), a rule may not take effect until the information required to be made publicly available on the Internet regarding such rule pursuant to section 652(a) has been so available for not less than 6 months.

“(b) **EXCEPTIONS.**—The requirement of subsection (a) shall not apply in the case of a rule—

“(1) for which the agency issuing the rule claims an exception under section 553(g)(2)(A); or

“(2) which the President determines by Executive order should take effect because the rule is—

“(A) necessary because of an imminent threat to health or safety or other emergency;

“(B) necessary for the enforcement of criminal laws;

“(C) necessary for national security; or

“(D) issued pursuant to any statute implementing an international trade agreement.

##### **“SEC. 654. DEFINITIONS.**

“In this chapter, the terms ‘agency’, ‘agency action’, ‘rule’, and ‘rule making’ have the meanings given those terms in section 551, and the term ‘unfunded mandate’ has the meaning given the term ‘Federal mandate’ in section 421(6) of the Congressional Budget Act of 1974 (2 U.S.C. 658(6)).”

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of chapters for part I of title 5, United States Code, is amended by inserting after the item relating to chapter 5, the following:

“6. The Analysis of Regulatory Functions ..... 601  
 “6A. Office of Information and Regulatory Affairs Publication of Information Relating to Rules ..... 651”.

(c) **EFFECTIVE DATES.**—

(1) **AGENCY MONTHLY SUBMISSION TO THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS.**—The first submission required pursuant to section 651 of title 5, United States Code, as added by subsection (a), shall be submitted not later than 30 days after the date of the enactment of this title, and monthly thereafter.

(2) **CUMULATIVE ASSESSMENT OF AGENCY RULE MAKING.**—

(A) **IN GENERAL.**—Subsection (b) of section 652 of title 5, United States Code, as added by subsection (a), shall take effect on the date that is 60 days after the date of the enactment of this title.

(B) **DEADLINE.**—The first requirement to publish or make available, as the case may be, under subsection (b) of section 652 of title 5, United States Code, as added by subsection (a), shall be the first October 1 after the effective date of such subsection.

(C) **FIRST PUBLICATION.**—The requirement under section 652(b)(2)(A) of title 5, United States Code, as added by subsection (a), shall include for the first publication, any analysis of the costs or benefits conducted for a proposed or final rule, for the 10 years before the date of the enactment of this title.

(3) **REQUIREMENT FOR RULES TO APPEAR IN AGENCY-SPECIFIC MONTHLY PUBLICATION.**—Section 653 of title 5, United States Code, as added by subsection (a), shall take effect on the date that is 8 months after the date of the enactment of this title.

#### **TITLE VI—PROVIDING ACCOUNTABILITY THROUGH TRANSPARENCY ACT**

##### **SEC. 601. SHORT TITLE.**

This title may be cited as the “Providing Accountability Through Transparency Act”.

**SEC. 602. REQUIREMENT TO POST A 100 WORD SUMMARY TO REGULATIONS.GOV.**

Section 553(d)(1) of title 5, United States Code, as inserted by section 103(b) of this Act, is amended—

(1) in subparagraph (G)(iv) by striking “; and” and inserting “;”;

(2) in subparagraph (H)(ii), by striking the period at the end and inserting “; and”; and

(3) by inserting after subparagraph (H) the following:

“(I) the internet address of a summary of not more than 100 words in length of the proposed rule, in plain language, that shall be posted on the internet website under section 206(d) of the E-Government Act of 2002 (44 U.S.C. 3501 note) (commonly known as regulations.gov).”.

The Acting CHAIR. No amendment to the bill shall be in order except those printed in part A of House Report 115-2. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. GOODLATTE

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 115-2.

Mr. GOODLATTE. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 39, line 3, insert after “made by agencies,” the following: “If the reviewing court determines that a statutory or regulatory provision relevant to its decision contains a gap or ambiguity, the court shall not interpret that gap or ambiguity as an implicit delegation to the agency of legislative rule making authority and shall not rely on such gap or ambiguity as a justification either for interpreting agency authority expansively or for deferring to the agency’s interpretation on the question of law.”.

The Acting CHAIR. Pursuant to House Resolution 33, the gentleman from Virginia (Mr. GOODLATTE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, if Congress is effectively to rein in the runaway administrative state, a crucial part of the plan must be to overturn, legislatively, the doctrines of judicial deference to agencies’ interpretations of the statutes and regulations they administer. These doctrines, founded in the Supreme Court’s decision in *Chevron v. NRDC* and *Auer v. Robbins*, have, over the years, turned the courts far too much into a rubberstamp rather than a vigorous check on the self-serving tendencies of agencies to interpret the law to expand their own power.

Title II of the bill, the Separation of Powers Act, delivers this legislative reversal of *Chevron* and *Auer*. There is one thing, though, that still needs to be added to that portion of the bill;

that is language to check the potential that once they are restored—the full interpretive powers that rightfully belong to them—our Article III courts will not engage in judicial activism.

To put a point on it, judges must not be allowed to use the Separation of Powers Act as a license to interpret ambiguous statutes always to expand agency power. My amendment, therefore, succinctly but powerfully provides just that. It prohibits courts from reading ambiguities in statutes to contain implicit delegation of legislative rulemaking authority to agencies or from reading those ambiguities expansively to extend agency power.

Although it failed in its task, the *Chevron* doctrine was originally crafted to help check that kind of judicial activism. As we end the failed *Chevron* experiment, we should make sure we do not go back to judicial activism. I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Chair, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. JOHNSON of Georgia. Mr. Chair, to say that this amendment stops judicial activism is stretching things a little bit, I believe. This opens the floodgates to judicial activism, the Goodlatte amendment, so that is why I oppose the amendment. It revises title II of the bill to eliminate agencies’ “gap-filling” authority when interpreting ambiguous statutes.

Judicial review of final agency action is a hallmark of administrative law and is critical to ensuring that agency action does not harm or adversely affect the public. But as the Supreme Court held, in *Chevron v. Natural Resources Defense Council* in 1984, reviewing courts may only invalidate an agency action when it violates a constitutional provision or when an agency exceeds its statutory authority as clearly expressed by Congress.

That is a clear rule that has worked fine for America for the last 30 years. Over that time, this seminal decision has required deference to the substantive expertise and political accountability of Federal agencies because, after all, judges don’t have political accountability because they are appointed for life. They are not elected by the people.

So this legislation is turning around this very fair and balanced court decision and, instead, imposing a new setup, one that invites judges—whom they appoint, by the way. They are the ones who have refused, for the last year, to appoint or to consider the appointment of a U.S. Supreme Court Justice so that they could get a Republican in the White House.

They did not want anybody other than somebody made to order, and this is what this legislation lays the groundwork for is that new Supreme Court Justice who has yet to be named

by a Republican incoming President. But you can bet it will be one who has corporate interests at heart instead of that of middle class and working people and regular, ordinary people. You can bet that that Supreme Court representative will be ready to do away with the *Chevron* doctrine and comply with this legislative mandate, which is open season on regulations, allowing the Federal judiciary to impose its political beliefs on regulations.

So that is going to be bad for America. Generalist courts, which are constitutionally insulated from political accountability, should not have the power to second-guess agency experts concerning the appropriateness of highly technical regulations crucial to protecting the health and safety of millions of Americans.

Moreover, this doctrine promotes predictability for businesses and the public. Professor Levin notes that “because citizens can put some confidence in the expectation that decisions by a centralized agency will not be readily overturned by a variety of courts in different parts of the country,” that contributes to predictability.

□ 1515

Title II of H.R. 5, however, would upend this longstanding precedent by abolishing the *Chevron* doctrine.

This amendment further puts the thumb on the scale against lifesaving protections by ensuring that practically any statutory ambiguity will be resolved in favor of a regulated entity and against agency action, no matter how important.

This amendment is also a solution in search of a problem. As Professor Levin has testified, “the field of administrative law has worked out a variety of political and judicial oversight mechanisms to maintain a delicate balance of power among the branches of government.”

Any administrative action based on an ambiguous statute could be challenged by an affected party, and these checks already apply to judicial review.

Finally, this measure would apply equally to regulatory and deregulatory actions. John Walke, the clean air director and senior attorney for the Natural Resources Defense Council warns that if an “administration more ideologically opposed to regulation wishes to take advantage of the inevitable vagueness, conflicts, and gaps in federal statutes, it may adopt the least protective regulation permissible under a federal law.”

Mr. Chair, because this is a bad amendment, I ask that it be opposed.

Mr. Chairman, I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I include in the record a list of organizations supporting H.R. 5.

I urge my colleagues to support this important amendment.

AGRICULTURAL RETAILERS ASSOCIATION,

Washington, DC, January 11, 2017.

TO ALL MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: On behalf of the Agricultural Retailers Association (ABA), I am writing to urge a vote in support of H.R. 5, the "Regulatory Accountability Act" sponsored by Representative Bob Goodlatte (R-VA). This legislation includes a number of important provisions designed to reform the Federal rulemaking process.

All stakeholders have a right to fair, open, and transparent rulemaking that respects the proper role of the states and the intent of Congress. For decades, there have been Executive Orders issued from both Republican and Democrat Administrations highlighting the importance of an open, transparent, and fair regulatory process. H.R. 5 is an important step forward in codifying the principles that Presidents of both parties have issued in Executive Order 12004 (Issued in March 1978), Executive Order 12291 (Issued in February 1981), Executive Order 12866 (Issued in September 1993), Executive Order 13132 (Issued in August 1999), and Executive Order 13563 (Issued in January 2011).

Some of the reforms in H.R. 5 include provisions such as requiring federal agencies to use less costly regulations, rather than more costly proposals, to obtain a stated objective; requiring federal agencies to explain how their proposed regulations would impact small business owners, their employees, and customers; prohibiting any new rules with a significant economic impact from taking effect until litigation against such proposal has been fully settled without impacting existing regulations; and requiring Federal agencies to publish mandatory transparency reports.

Rep. Collin Peterson (D-MN) plans to offer an amendment on the floor of the U.S. House of Representatives to prohibit agencies from using social media to sway public opinion in favor of a pending agency proposal. This common-sense amendment is necessary to prevent actions taken by federal agencies such as the U.S. Environmental Protection Agency (EPA) that the General Accountability Office (GAO) found took unlawful actions during its "Waters of the United States" (WOTUS) proposed rulemaking. ARA urges all House members to vote in favor of the Peterson amendment and to vote "Yes" on final passage of H.R. 5.

Sincerely,

RICHARD D. GUPTON,  
Senior Vice President,  
Public Policy & Counsel.

AMERICAN FARM BUREAU FEDERATION,  
Washington, DC, January 9, 2017.

HOUSE OF REPRESENTATIVES,  
Washington, DC.

DEAR REP.: The House of Representatives will soon take up H.R. 5 for debate and a vote. This measure contains a number of important elements that are designed to improve the Federal rulemaking process. American Farm Bureau urges all members to vote in favor of this legislation.

For decades, presidents of both parties have issued Executive Orders and Memoranda underscoring the importance of a regulatory process that is open, transparent and fair:

President Carter stipulated in EO 12044 that regulations should not impose unnecessary burdens on the economy.

President Reagan issued EO 12291 in February 1981 to assure that least-cost alternatives would be used in regulatory decision-making.

President Clinton affirmed that regulations should maximize net benefits (EO 12866, September 1993). Later in his Administration, President Clinton issued EO 13132 re-

affirming the importance of federalism and respecting the rights of states.

President Obama underscored the importance of sound science in his Memorandum of March 2009. He also reaffirmed President Clinton's EO 12866 when he issued EO 13563.

We understand that an amendment to H.R. 5 will be offered on the floor by Rep. Peterson to prohibit agencies from using social media to sway public opinion in favor of a pending agency proposal. This amendment stems directly from EPA's conduct in its "waters of the US" (WOTUS) rulemaking, conduct found unlawful by the General Accountability Office and scrupulously detailed in a report released by the House Committee on Oversight and Government Reform, "Politicization of the Waters of the United States Rulemaking." We strongly support the Peterson amendment and urge all members to vote in favor of its adoption.

All stakeholders—farmers, ranchers, environmentalists, academics, agency staff, and the general public—have a right to a rule-making process that is fair, open, transparent, respectful of the role of states in our Federal system, and faithful to the intent of Congress. H.R. 5 is an important step in codifying principles that Presidents of both parties have enunciated for decades. This legislation deserves strong, bipartisan support.

We urge all members to vote in favor of the Peterson amendment and to vote "Yes" on final passage of H.R. 5.

Sincerely,

ZIPPY DUVALL,  
President.

ASSOCIATED BUILDERS AND  
CONTRACTORS, INC.,  
Washington, DC, January 5, 2017.

HOUSE OF REPRESENTATIVES,  
Washington, DC.

DEAR REPRESENTATIVE: On behalf of Associated Builders and Contractors (ABC), a national construction industry trade association with 70 chapters representing nearly 21,000 members, I am writing in support of the Regulatory Accountability Act of 2017 (H.R. 5) introduced by Rep. Bob Goodlatte (R-VA). ABC supports this legislation, which would reform the Administrative Procedures Act and strengthen existing checks on federal agencies, allowing for more cost-effective regulations through a more transparent process.

As builders of our communities and infrastructure, ABC members understand the value of standards and regulations based on solid evidence, with appropriate consideration paid to implementation costs and input from affected businesses. ABC strongly supports comprehensive regulatory reform which includes across-the-board requirements for departments and agencies to appropriately evaluate risks, weigh costs, and assess benefits of all regulations. H.R. 5 is an excellent step in regulatory reform as it ensures more accountability from federal agencies and greater stakeholder transparency.

Today, federal regulatory agencies wield incredible power through rulemaking. They have grown adept at using procedural loopholes in order to accomplish narrowly-focused goals. These agencies operate relatively unchecked and unsupervised, especially during the early stages of the regulatory process. They often disregard and circumvent the will of Congress and the American public by issuing regulations with poor or incomplete economic cost-benefit forecasting or other data analysis, instead of using the best and most accurate data that could have created more practical, sustainable rules and regulations.

Consequently, some regulations that have limited or questionable benefit result in crippling costs for companies and often no

serious consideration is given for more practical alternatives. For the construction industry, these regulations routinely translate into higher costs and are passed along to the consumer.

Ultimately, these costs impact our industry's ability to expand and hire more workers. It is particularly alarming that small businesses, which comprise the vast majority of the industry, are disproportionately affected by this irresponsible approach to regulation.

Thank you for your attention on this important matter and we urge the House to pass the Regulatory Accountability Act of 2017.

Sincerely,

KRISTEN SWEARINGEN,  
Vice President of Legislative  
& Political Affairs.

THE ASSOCIATED GENERAL  
CONTRACTORS OF AMERICA,  
Arlington, VA, January 10, 2017.

Re Vote "YES" on the Regulatory Accountability Act of 2017, H.R. 5.

Hon. PAUL RYAN,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE RYAN: On behalf of the Associated General Contractors of America (AGC) and its more than 26,000 commercial construction company members, I strongly urge you to vote "YES" on the Regulatory Accountability Act of 2017, H.R. 5. This legislation is critical to helping ensure that regulations undergo thorough economic analysis, are based in sound science and/or substantial empirical data, and are transparent with clear and feasible methods and goals.

The current regulatory process allows federal agencies to promulgate rules based on unconvincing, scant and—sometimes—just plain wrong evidence. For example, Professor David L. Sunding, Ph.D., Thomas J. Graff Chair of Natural Resource Economics at the University of California, Berkeley found that the "errors, omissions, and lack of transparency" in the Environmental Protection Agency's economic analysis underlying its Waters of the United States (WOTUS) rule to be "so severe as to render it virtually meaningless." Yet, the EPA was able to finalize that rule based on such flawed analysis.

Federal agencies also write rules that are not feasible for the construction industry to follow. The Occupational Health and Safety Administration (OSHA) crystalline silica rule, for instance, put forth a permissible silica exposure limit that is beyond the capacity of existing dust filtration and removal technology. Despite this fact, OSHA finalized this rule and the construction industry is left liable to implement.

The Regulatory Accountability Act will help hold federal agencies accountable to the facts throughout the rulemaking process. Under this legislation, the public could challenge the underlying evidence agencies put forth to justify their rules. Such challenges could occur through hearings before the agency and before courts, which generally defer to any evidence put forth by federal agencies currently. As a result, agencies would be incentivized to undertake more rigorous and realistic analyses, rather than risk delays as a result of relying on cherry-picked studies or self-serving, internal data.

The purpose of the bill is not partisan. Rather, it is to ensure that the regulations federal agencies put forth are feasible and based in thorough economic analysis and sound science. To do so, H.R. 5 allows for greater transparency, more public participation and needed objectivity in the rule-making process. As such, AGC again urges you to for in favor of H.R. 5.

Thank you for your consideration.

Sincerely,

JEFFREY D. SHOAF,  
Senior Executive Director, Government  
Affairs.

BUSINESS ROUNDTABLE,

January 6, 2017.

Re Support for H.R. 5—The Regulatory Accountability Act of 2017.

Hon. PAUL RYAN,

Speaker, House of Representatives, Washington, DC.

Hon. NANCY PELOSI,

Minority Leader, House of Representatives, Washington, DC.

DEAR SPEAKER RYAN AND LEADER PELOSI: On behalf of the CEO members of Business Roundtable, who lead major U.S. companies with more than \$6 trillion in annual revenues and nearly 15 million employees, I am pleased to express our strong support for H.R. 5, the Regulatory Accountability Act of 2017, introduced by Judiciary Committee Chairman Bob Goodlatte.

Business Roundtable CEOs have consistently identified overly complex and burdensome federal regulations as harmful to accelerating job creation, job retention and increased economic opportunity for American workers and their families. We support a smarter approach to federal regulation that would engage regulated parties earlier in the process, improve the quality of information used to make regulatory decisions and consistently apply rigorous cost-benefit analysis to major regulatory proposals.

We are particularly pleased that H.R. 5 includes the previously introduced version of the Regulatory Accountability Act, also championed by Chairman Goodlatte, the ALERT Act, championed by Representative John Ratcliffe, and the Providing Accountability Through Transparency Act, championed by Representative Blaine Luetkemeyer.

Overall, the smart regulatory improvements embodied in the Regulatory Accountability Act of 2017 will:

Make U.S. companies more competitive. Usually after prolonged periods of consideration, federal agencies regularly issue rules that impose large and often unnecessary burdens on U.S. businesses—burdens that foreign competitors may not have to bear. The Act will reduce these burdens.

Enable U.S. companies to be more innovative. American businesses are the world's most innovative, and that innovation supports America's high standard of living. Rules that require particular technologies or approaches or fail to keep up with technological evolution can jeopardize future innovation. The Act will encourage flexible, non-prescriptive implementation that preserves the capacity to innovate.

Stimulate investment by enhancing business certainty. If companies are unsure about what regulators will require or how to comply with rules, they will be reluctant to commit capital to new or expanded productive investments. By encouraging early engagement with regulated parties and improving the transparency and accountability of the regulatory process, the Act will result in greater certainty for U.S. businesses and thereby accelerate job growth and investment.

The Regulatory Accountability Act of 2017 would make the U.S. regulatory system more transparent, accountable and effective. We endorse this legislation and pledge our full support to see it enacted into law.

Sincerely,

MARK J. COSTA,  
Chairman and Chief Executive Officer,  
Eastman Chemical Company  
Chair, Smart Regulation Committee, Business  
Roundtable.

NATIONAL ASSOCIATION

OF REALTORS,

Washington, DC, January 9, 2017.

Hon. PAUL RYAN,

Speaker, House of Representatives, Washington, DC.

Hon. NANCY PELOSI,

Democratic Leader, House of Representatives, Washington, DC.

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: On behalf of the 1.1 million members of the National Association of REALTORS® (NAR), I urge the House to approve H.R. 5 (Goodlatte, R-VA; Peterson, D-MN), the "Regulatory Accountability Act".

NAR believes that federal regulations should be narrowly tailored, supported by strong data and evidence, and impose the least costs possible on regulated stakeholders.

The Regulatory Accountability Act embodies these principles and will contribute to a more transparent and accountable regulatory process by:

Increasing public participation in shaping the most-costly regulations at an earlier point in the rulemaking process;

Instructing agencies to choose the least costly option that achieves congressional intent unless they can show a costlier option is needed to protect health, safety, or welfare;

Requiring public hearings for the most-costly regulations;

Improving the process for evaluating how small businesses are impacted by regulations; and

Providing for a more rigorous test in legal challenges for those regulations that would have the most impact.

The Regulatory Accountability Act builds on established principles of a fair regulatory process and would make the regulatory process more transparent, agencies more accountable for their decisions, and regulations better-tailored to achieve their purpose without unnecessary burdens on stakeholders.

The Regulatory Accountability Act would allow Congress and the public to reassert control over the federal regulatory bureaucracy. Therefore, NAR strongly supports the Act, and urges passage of the bill when it comes to the House floor for a vote.

Sincerely,

WILLIAM E. BROWN,  
2017 President.

NATIONAL FEDERATION OF

INDEPENDENT BUSINESS,

Washington, DC, January 11, 2017.

Hon. STEVE CHABOT,

Chairman, House Committee on Small Business, Washington, DC.

DEAR CHAIRMAN CHABOT, on behalf of the National Federation of Independent Business (NFIB), the nation's leading small business advocacy organization, I am writing in support of H.R. 33, the Small Business Regulatory Flexibility Improvements Act of 2017. This legislation puts into place strong protections to ensure that federal agencies fully consider the impact of proposed regulations on small businesses.

In an economy where two-thirds of all net new jobs come from the small business sector, we appreciate that this legislation would require regulators to analyze further the impact of certain proposals on job creation. As you well know, the annual cost of federal regulation per employee is significantly higher for smaller firms than larger firms. Federal regulations—not to mention state and local regulations—add up and significantly increase the cost of starting and running a small business.

H.R. 33 expands the scope of the Regulatory Flexibility Act (RFA) by forcing government regulators to include the indirect

impact of their regulations in their assessments of a regulation's impact on small businesses. The bill also provides small business with expanded judicial review protections, which helps ensure that small businesses have their views heard during the federal rulemaking process, not after.

The legislation strengthens several other aspects of the RFA—such as expanding the small business advocacy review panel process to all agencies. Currently, the panels only apply to the Environmental Protection Agency, the Occupational Safety and Health Administration, and the Consumer Financial Protection Bureau. These panels have proven to be an extremely effective mechanism in helping agencies to understand how their rules will affect small businesses, and help agencies identify less costly alternatives to regulations before proposing new rules.

Finally, H.R. 33 expands the standard for periodic review of rules by federal agencies and gives the U.S. Small Business Administration's Office of Advocacy increased input into agency compliance with the RFA. These important protections are needed to prevent duplicative and outdated regulatory burdens as well as to address penalty structures that are too high for the small business sector.

NFIB supports H.R. 33 because it strengthens the requirement for federal agencies to consider both the direct and indirect economic impact of proposed regulations on small businesses. We look forward to working with the committee towards enactment of the Small Business Regulatory Flexibility Improvements Act of 2017.

Sincerely,

JUANITA D. DUGGAN,  
President and CEO NFIB.

CHAMBER OF COMMERCE OF THE

UNITED STATES OF AMERICA,

Washington, DC, January 6, 2017.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce strongly supports H.R. 5, which includes the Regulatory Accountability Act, and may consider including votes on, or in relation to, H.R. 5 in our annual How They Voted scorecard.

The Chamber commends the House for acting on regulatory reform legislation so early in the 115th session, and for bringing H.R. 5, which also includes important provisions related to small businesses, to the floor.

The Regulatory Accountability Act is a long-standing priority for the Chamber and would update the Administrative Procedure Act (APA) to improve how federal agencies promulgate those rules with the most significant impact on jobs and economic growth.

Modernization of APA is long overdue. While there has been a dramatic increase in high impact, transformative rules that are slowing economic growth and inhibiting job creation, APA rulemaking provisions have remained virtually unchanged since 1946 when the law was established.

H.R. 5 would target only the most expensive and burdensome of these rules for increased scrutiny by providing greater transparency, by holding agencies accountable, and by making sure the data behind the decisions of regulators are made publicly available.

The Chamber urges you to support this legislation and to oppose any weakening amendment when it is considered likely next week.

Sincerely,

JACK HOWARD,  
Senior Vice President,  
Congressional and Public Affairs.

Mr. GOODLATTE. Mr. Chairman, I yield back the balance of my time.



The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. JOHNSON of Georgia. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. CHAFFETZ

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part A of House Report 115-2.

Mr. CHAFFETZ. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 38, insert after line 10 the following:  
**SEC. 110. PROMPT ISSUANCE OF OIRA GUIDELINES.**

The Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget shall establish any guideline required to be established by this title or the amendments made by this title by not later than 270 days after the date of enactment of this title.

The Acting CHAIR. Pursuant to House Resolution 33, the gentleman from Utah (Mr. CHAFFETZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. CHAFFETZ. Mr. Chairman, I yield myself such time as I may consume.

H.R. 5 requires the Office of Information and Regulatory Affairs, often called OIRA, to provide guidelines for agencies on how to effectively conduct regulatory activities.

This is a great bill. I wholeheartedly support the bill. We simply want to add a timeline to this bill so that we give the proper incentive, notification, and time to properly institute what this new law would do.

The regulatory activities engaged in this bill that OIRA, the Office of Information and Regulatory Affairs, deals with need to include cost and benefit assessments and their economic or risk assessments; coordination, simplification, and harmonization of the agency rules; conforming rulemaking to the notice and comment requirements and formal rulemaking requirements in the Administrative Procedure Act; as well as the application of the Information Quality Act to rulemaking proceedings under what is called the APA.

These guidelines required by the underlying bill are moving the country in the right direction and will ensure that agencies produce thoughtful, comprehensive, and well-vetted regulations.

The simple amendment that I offer today, Mr. Chairman, to H.R. 5 simply requires OIRA to issue guidance within 270 days. I think this is the right bal-

ance of encouragement to have them get going on it right away, but at the same time not allowing this to linger in perpetuity with no end in sight.

This amendment provides OIRA, I think, the proper balance. That is why I have offered this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. JOHNSON of Georgia. Mr. Chairman, I rise in opposition to the Chaffetz amendment. This amendment establishes a deadline of 270 days—a magical number of days—for some reason. There is no reason given for that being the number of days, but that is what they give to the Office of Information and Regulatory Affairs, or OIRA, to issue guidelines pursuant to title I of this bill.

Why 270 days?

Well, I think I can answer that question. They know that OIRA is not equipped to sufficiently deal with regulations within that same amount of time period. We have had all this budget cutting going on. We have been attacking the Federal Government regulatory authorities throughout the entire 6 years that Republicans have been in control of this House. They have done 6 years' worth of hobbling OIRA, and now they are going to come forward and impose a 270-day requirement. That is like asking someone who you have handicapped to run in a relay race that you know they can't win.

To begin with, I would note that OIRA, which typically has fewer than 50 employees, often serves as a bottleneck for the promulgation of economically significant rules, as reported last year by Public Citizen.

Moreover, as a group of the Nation's leading administrative law scholars have noted that the Regulatory Accountability Act is "unusually ambitious and crammed with details that are impossible to summarize," that will "further ossify the rulemaking process with little offsetting benefits in the form of better rules."

Many of these new procedures task OIRA with making numerous new determinations and expanded review of formal rulemaking. In addition, to hobbling over the last 6 years, and then imposing a deadline of an arbitrary and capricious number of days, you are going to heap additional requirements upon them without increasing their staff that you have already cut.

Given the sheer breadth of these requirement, it may be difficult or impossible for OIRA to comply with the deadline imposed by this amendment, absent additional congressional appropriations, which, of course, they are not interested in.

Accordingly, I rise to oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, certainly the gentleman from Georgia is not opposed to the number 270. It is a beautiful number. Normally we give them about 6 months to promulgate a rule. This is 50 percent more than that. It is roughly 9 months. If a woman can give birth in that amount of time, my guess is they can go ahead and put together some rules in that amount of time.

We gave it quite a bit of thought. I think it is properly balanced. We don't want it to be a year. It is 50 percent more than we normally ask and that OIRA is used to doing in rulemaking. So certainly they can accomplish that.

Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. GOODLATTE), chairman of the committee.

Mr. GOODLATTE. Mr. Chairman, I just want to say that title I of the bill contains several key requirements for the Office of Information and Regulatory Affairs, OIRA, to put out high-quality, governmentwide guidelines that all agencies can follow. These include, for example, guidelines on cost-benefit analysis, risk assessment, consistency with the Information Quality Act, and good guidance practices.

Since the importance of these issues and the need for swift and effective implementation of reform, the amendment's institution of a 270-day deadline for the issuance of these guidelines is very reasonable, very constructive. I urge my colleagues to support this amendment.

Mr. JOHNSON of Georgia. Mr. Chairman, I think what I gather is that we need better regulations. Therefore, we have to provide more requirements on OIRA with respect to the regulations it issues, while at the same time claiming that regulations are bad and we have unelected bureaucrats and all of this kind of stuff like that.

So we need better laws to allow them to regulate better. Then we are going to give them 270 days, which is a little more than we give the average agency. Well, I thank you for that, but you have not increased the manpower of the agency to deal with the new requirements that you are stacking on them. It just doesn't make a whole lot of sense.

The real reason for this amendment is to help foster the gumming up of the Federal regulatory system. That is what it is all about. There are a lot of little small ways of doing that, heaping it on top of the larger measure, which is itself just inimical to good rulemaking. This is a game, and the American people are the big losers.

Mr. Chairman, I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Chairman, I know my colleague from Georgia is opposed to this bill, but I do think it is reasonable to give a time frame as to when they are supposed to issue this so it doesn't continue on in perpetuity. I think it is reasonable.

To the gentleman's point about the staffing, we don't get into that granular detail here. That is left to the Office of Management and Budget. Those decisions have been made by the Obama administration for the last 8 years. The new Office of Management and Budget will need to take into account the staffing levels and how OMB will determine whether they need more staff or less staff, but I would certainly support the idea that, if they are overwhelmed with issues, let's make sure that they are properly staffed.

This is an important agency. It is the bottleneck. We have to make sure that they are functioning properly. We are supportive of that, but I do think it is reasonable to offer that timeline. I appreciate the support of the chairman on this, and I urge passage of this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Utah (Mr. CHAFFETZ).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. CHABOT

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part A of House Report 115-2.

Mr. CHABOT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 304(d)(1) of the bill, strike "and" at the end.

In section 304(d)(2) of the bill, strike the period and insert "and".

In section 304(d), insert after paragraph (2) the following:

(3) by inserting "The detailed statement shall include an economic assessment or a summary thereof that is sufficiently detailed to support the agency's certification." before "The agency shall provide such certification".

The Acting CHAIR. Pursuant to House Resolution 33, the gentleman from Ohio (Mr. CHABOT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. CHABOT. Mr. Chairman, I yield myself such time as I may consume.

I offer this amendment to address a longstanding problem: agencies not fully analyzing the effects of regulations on small businesses.

Under the current Regulatory Flexibility Act, an agency may certify a rule if it expects that the rule will not have—and I am quoting the current law here—"a significant economic impact on a substantial number of small entities."

When an agency certifies a rule, it does not need to perform a full regulatory flexibility analysis. This provision makes sense because not every rule affects small businesses.

Unfortunately, agencies appear to be abusing this provision. According to a recent study, agencies only prepared analyses for approximately 8 percent of rules finalized between 1996 and 2012.

A recent example of this occurred with the controversial waters of United States rule. The Environmental Protection Agency and Army Corps of Engineers certified that rule despite the significant and direct consequences for farmers, ranchers, and home builders. Most of those are small businesses.

Although the Small Business Administration Chief Counsel for Advocacy sent a letter to the agencies stating that the certification was improper and urging them to withdraw the rule, the agencies ignored the Chief Counsel and proceeded to finalize it anyway.

□ 1530

This amendment addresses this problem by requiring agencies to include—and I am quoting my amendment—"an economic assessment or a summary thereof that is sufficiently detailed to support the agency's certification." This will be published in the Federal Register as part of the detailed statement and certification for the proposed rule.

This approach mirrors the one used in the National Environmental Policy Act. When an agency finds a project to have no significant impacts on the environment, it is required to provide an environmental assessment or a summary of it. Since agencies are required to provide a threshold analysis when they issue a finding of no significant impact for actions that could affect the environment, it just makes sense to extend the same type of requirement to rules that could affect small businesses. Small businesses, after all, are the folks that are responsible for creating two-thirds, or about 70 percent, of the new jobs created nowadays. So anything that burdens these small businesses is something that is, by definition, bad for the economy and bad for job creation.

This particular amendment, I think, improves the underlying legislation. It makes sense. I urge my colleagues to support this amendment, which will further strengthen the RFA and ensure that agencies' decisions are supported by data.

Mr. Chairman, I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. JOHNSON of Georgia. Mr. Chairman, this amendment would require agencies to provide a detailed economic assessment prior to certifying that a rule will not have a significant economic impact on a substantial number of small business entities.

I oppose this bill for a number of reasons. Number one, it forces agencies to prove a negative. The negative being that it will not have a significant—bookmark that for a second—a significant economic impact on a substantial number of small entities.

I mean, proving a negative is always very difficult to do, that it won't do this. Certainly very difficult. But then

when you give the decisionmaker a vague and ambiguous frame of reference like "significant," what does significant economic impact mean?

It means different things to different people. So that is vague and ambiguous. It allows for unbridled discretion by an unelected bureaucrat, to use that term that my friends like to use, but in this instance I am using it with respect to a newly appointed plutocratic bureaucrat like, say, Linda McMahon at the Small Business Administration, a billionaire. Give that to, you know, a bureaucrat such as that and let them decide whether or not it has a significant economic impact. They are going to say, yes, it has a significant economic impact. They are going to do it every time because that is their agenda. They support a pro-big-business agenda. That is what they represent, and so that is how they would rule.

When you add that it has to be a substantial number of small businesses, well, what is a substantial number? Is it 10 percent, 20 percent, 50 percent?

That is up to whoever the decisionmaker is, the unelected bureaucrat. We see the setup. I think the American people understand what this amendment seeks to do. It requires agencies to provide a detailed economic assessment of the economic impacts of a proposed or final rule prior to certifying that the rule will not have a significant economic impact on a substantial number of small businesses.

Title III of H.R. 5 substantially increases agencies' responsibilities with respect to rulemaking, including a requirement to supply a detailed statement that includes the factual and legal basis of the reasons why an agency has determined that a proposed or final rule will not have a significant economic impact on small businesses. Boy, you can just chase your tail all around for days trying to meet that standard.

This onerous measure will force agencies to expend already strained resources and incur considerable costs to implement the bill. Also, giving corporations an opportunity to contest these arbitrary decisions if they go the right way in court.

Unsurprisingly, the Congressional Budget Office estimated that an identical version of this legislation considered last Congress would cost \$55 million over the 2015-2020 period, assuming appropriation of the necessary funds.

By requiring agencies to quantify the economic effects that a rulemaking will have on small businesses, which may be unknowable in some cases, this amendment may task agencies with providing an economic report on a counterfactual hypothetical basis. This requirement would do little to ease compliance costs or promote small business development or growth, and more likely it will lead to regulatory avoidance and ossification and less small business activity because the big businesses are going to be allowed to crowd them out. Accordingly, I oppose

this amendment and urge my colleagues to do the same.

Mr. Chairman, I reserve the balance of my time.

Mr. CHABOT. Mr. Chairman, I yield myself such time as I may consume. I will be brief, and then I will invite my colleague from Virginia to respond.

Just a couple of quick points. First of all, relative to this significant economic impact language that my distinguished colleague from Georgia is talking about, that is already in the existing law, so we are not changing anything there. We are not saying it ought to say a significant economic impact. It already says that in the existing law. Both the bureaucrats and the courts are used to determining what the terminology like "significant" means under the rule or regulation or the law, just as what a reasonable man is. "Reasonable" is quite common throughout the legal structure.

We are also not giving discretion to Ms. McMahon, the soon-to-be head of the SBA. It is to the Chief Counsel, and he is independent.

I yield to the gentleman from Virginia (Mr. GOODLATTE), our chairman.

Mr. GOODLATTE. I thank the gentleman for his amendment. Title III of the bill contains important reforms to make sure agencies finally take seriously Congress' directive to write rules with flexible accommodations for small businesses, the source of most of our Nation's job creation.

Congress' demands for flexibility began with the Regulatory Accountability Act during the 1980s, but agencies have never fully complied. One of the key ways agencies have skirted the law's requirements has been to certify their way out of any need to actually provide flexibility by finding that a proposed or final rule will not have a significant impact on a substantial number of small entities.

This amendment puts the brakes on an inadequately substantiated certification by requiring certifications to include economic assessment details sufficient to support the certifications. I support the amendment.

Mr. CHABOT. Mr. Chairman, I yield back the balance of my time.

Mr. JOHNSON of Georgia. Mr. Chairman, it is already covered in current law, so why do we need this amendment?

Well, it is a messaging piece to be able to say to the listening audience that we support small business. Well, gosh, I think we have answered that question here on this side whether or not they really do support small business. It is clear they support big business, and that is what this amendment is going to help facilitate without adding to the overall bill. For that reason, I ask that we oppose it.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. CHABOT).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MS. VELÁZQUEZ

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part A of House Report 115-2.

Ms. VELÁZQUEZ. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike line 13 on page 39 and all that follows through line 26 on page 69, and insert the following (and conform the table of contents accordingly):

### **TITLE III—SMALL BUSINESS REGULATORY IMPROVEMENT ACT**

#### **SEC. 301. SHORT TITLE.**

This title may be cited as the "Small Business Regulatory Improvement Act of 2017".

#### **SEC. 302. CLARIFICATION AND EXPANSION OF RULES COVERED BY THE REGULATORY FLEXIBILITY ACT.**

Section 601 of title 5, United States Code, is amended by adding at the end the following new paragraph:

"(9) ECONOMIC IMPACT.—The term 'economic impact' means, with respect to a proposed or final rule—

"(A) any direct economic effect on small entities of such rule; and

"(B) any indirect economic effect on small entities which is reasonably foreseeable and results from such rule (without regard to whether small entities will be directly regulated by the rule)."

#### **SEC. 303. REQUIREMENTS PROVIDING FOR MORE DETAILED ANALYSES.**

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (b) of section 603 of title 5, United States Code, is amended to read as follows:

"(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed statement describing—

"(1) the reasons why the action by the agency is being considered;

"(2) the objectives of, and legal basis for, the proposed rule;

"(3) the type of small entities to which the proposed rule will apply;

"(4) the number of small entities to which the proposed rule will apply or why such estimate is not available;

"(5) the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement, the costs, and the type of professional skills necessary to comply with the rule; and

"(6) all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided."

#### **(b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—**

(1) Paragraph (4) of such section is amended by striking "an explanation" and inserting "a detailed explanation".

(2) Paragraph (5) of such section is amended to read as follows:

"(4) a description of the projected reporting, recordkeeping, and other compliance requirements of the rule, including an estimate of the classes of small entities which will be subject to the requirement, the costs, and the type of professional skills necessary to comply with the rule; and"

(c) CERTIFICATION OF NO IMPACT.—Subsection (b) of section 605 of title 5, United States Code, is amended by inserting "detailed" before "statement" both places such term appears.

#### **SEC. 304. PERIODIC REVIEW OF RULES.**

Section 610 of title 5, United States Code, is amended to read as follows:

#### **"§ 610. Periodic review of rules**

"(a) Not later than 180 days after the effective date of this section, each agency shall publish in the Federal Register and place on its website a plan for the periodic review of rules issued by the agency which the head of the agency determines have a significant economic impact on a substantial number of small entities. Such determination shall be made without regard to whether the agency performed an analysis under section 604. The purpose of the review shall be to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize significant economic impacts on a substantial number of small entities. Such plan may be amended by the agency at any time by publishing the revision in the Federal Register and subsequently placing the amended plan on the agency's website.

"(b) The plan shall provide for the review of all such agency rules existing on the effective date of this section within 10 years of the date of publication of the plan in the Federal Register and for review of rules adopted after the effective date of this section within 10 years after the publication of the final rule in the Federal Register. If the head of the agency determines that completion of the review of existing rules is not feasible by the established date, the head of the agency shall so certify in a statement published in the Federal Register and may extend the review for not longer than 2 years after publication of notice of extension in the Federal Register. Such certification and notice shall be sent to the Chief Counsel for Advocacy and the Congress.

"(c) Each agency shall annually submit a report regarding the results of its review pursuant to such plan to the Congress and, in the case of agencies other than independent regulatory agencies (as defined in section 3502(5) of title 44, United States Code) to the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget. Such report shall include the identification of any rule with respect to which the head of the agency made a determination described in paragraph (5) or (6) of subsection (d) and a detailed explanation of the reasons for such determination.

"(d) In reviewing rules under such plan, the agency shall consider the following factors:

"(1) The continued need for the rule.

"(2) The nature of complaints received by the agency from small entities concerning the rule.

"(3) Comments by the Regulatory Enforcement Ombudsman and the Chief Counsel for Advocacy.

"(4) The complexity of the rule.

"(5) The extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, unless the head of the agency determines it to be infeasible, State and local rules.

"(6) The length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

"(e) The agency shall publish in the Federal Register and on its website a list of rules to be reviewed pursuant to such plan. Such publication shall include a brief description of the rule, the reason why the agency determined that it has a significant economic impact on a substantial number of small entities (without regard to whether it had prepared a final regulatory flexibility analysis for the rule), and request comments from the public, the Chief Counsel for Advocacy, and the Regulatory Enforcement Ombudsman concerning the enforcement of the rule."

**SEC. 305. CHANGES TO THE REGULATORY FLEXIBILITY ACT TO COMPORT WITH EXECUTIVE ORDER 13272.**

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Section 603 of title 5, United States Code, is amended by adding at the end the following:

“(e) An agency shall notify the Chief Counsel for Advocacy of the Small Business Administration of any draft rules that may have a significant economic impact on a substantial number of small entities either—

“(1) when the agency submits a draft rule to the Office of Information and Regulatory Affairs at the Office of Management and Budget, if submission is required; or

“(2) if no submission to the Office of Information and Regulatory Affairs is so required, at a reasonable time prior to publication of the rule by the agency.”.

(b) INCLUSION IN FINAL REGULATORY FLEXIBILITY ANALYSIS OF RESPONSE TO COMMENTS ON CERTIFICATION OF PROPOSED RULE.—Paragraph (2) of section 604(a) of title 5, United States Code, is amended by inserting after “initial regulatory flexibility analysis” the following: “(or certification of the proposed rule under section 605(b))”.

The Acting CHAIR. Pursuant to House Resolution 33, the gentlewoman from New York (Ms. VELÁZQUEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

The Regulatory Flexibility Act has reduced regulatory costs by \$130 billion since 1998. However, it could do better. The amendment I am offering will improve this process.

However, unlike the underlying bill, my amendment is actually aligned with the original statute, which was created to protect the unique needs of small businesses in the regulatory process, not to stop regulations. My amendment is also much more cost effective to the taxpayers, as the underlying bill creates a massive and unnecessary government bureaucracy. It should be noted that my amendment is based on bipartisan legislation from a previous Congress, which the committee reported by a recorded vote of 26-0.

The amendment makes improvements to the most significant deficiencies facing the Regulatory Flexibility Act without the overly broad changes contained in the underlying bill. This includes making sure that agencies live up to their obligations to retrospectively review the burdens of existing rules on small businesses. The GAO has reported on numerous occasions that agency compliance with this requirement was poor. My amendment holds the agencies more accountable by requiring them to report the results of their reviews to Congress annually.

My amendment also takes steps to make analyses more detailed so that agencies cannot ignore the RFA and simply certify that a rule has no significant economic impact on small businesses. Addressing this matter will ensure that agencies are required to provide a more factual basis for such

certifications rather than just a sentence which dismisses the concerns of small firms.

The most important aspect of my amendment is what it does not do. Unlike H.R. 5, my amendment does not create a new governmentwide bureaucracy or foist a truckload of new responsibilities on the Office of Advocacy, which only has a \$9 million budget.

For instance, H.R. 5 requires the Office of Advocacy to approve size standards, a function already handled by the SBA. This is like creating a Rayburn cafeteria next to the Rayburn cafeteria. It is ridiculous. This is a complete waste of taxpayer resources and will, ironically, take the Office of Advocacy away from its core mission of monitoring regulations.

Also, another aspect that is very important, what this legislation does is it is setting the Office of Advocacy to fail. They do not have the expertise. They do not have the resources. In addition, H.R. 5 imposes the panel process across the entire government. I will say that again. Across the entire government, including all independent agencies. So much for fiscal responsibility. There is another complete waste of taxpayer resources, and it will further limit the Office of Advocacy's ability to weigh in on the most important matters affecting small businesses.

Instead, my amendment makes the targeted changes to the RFA that small businesses have called for over the last 5 years. In doing so, it is cost effective and responsible to the taxpayers. I urge Members to vote “yes” on my amendment.

Mr. Chairman, I reserve the balance of my time.

□ 1545

Mr. CHABOT. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. CHABOT. Mr. Chairman, I yield myself such time as I may consume.

Just a couple of points. First, before speaking in opposition to this amendment, I would note that the ranking member, Ms. VELÁZQUEZ, and I worked very much in a bipartisan and cooperative manner on a whole range of issues. We have done that when she chaired the committee and I was the ranking member, and we do that now that I am the chair and she is the ranking member. I commend her for that cooperation. We have actually gotten a lot of things done in the Small Business Committee on behalf of small businesses all across the country in both Democratic and Republican districts.

That being said, I would also note that this particular language, in essence, replaces our H.R. 5, title III, with Ms. VELÁZQUEZ's version. She mentioned that hers is bipartisan. Ours is as well. Mr. CUELLAR was a principal cosponsor of this particular legislation, so, by definition, it is bipartisan. I would also note that we have dealt

with this a number of times over the years, and we have included a significant number of Democratic amendments already in our underlying bill as well. So it truly is bipartisan.

The gentlewoman from New York's amendment would essentially strike title III of the bill, and it would replace it with alternative language. While I am heartened that she agrees that the Regulatory Flexibility Act needs to be improved, this amendment just does not go far enough to address, in my view, most Federal agencies' habitual disregards for small businesses. We know that the bureaucracy does disregard small businesses time and time again. That is why we feel so strongly about this bill.

Ms. VELÁZQUEZ's amendment includes a few of the reforms that the current title has, but, unfortunately, it fails to include many other important ones. Her amendment does not close the loophole the IRS uses to avoid complying with the RFA, for example, and it does not provide additional opportunities for small businesses to provide input on proposed rules through the Small Business Advocacy Review panel process.

It does not require the Chief Counsel for Advocacy to issue government-wide RFA compliance regulations that all agencies must follow. Without these compliance regulations, agencies will just continue to develop their own interpretations of the RFA to avoid complying with the law's requirement.

America's small businesses deserve more meaningful reform, and the current title III of the bill, in our view, does just that; therefore, I would urge my colleagues, respectfully, to oppose this amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I want to thank the chairman for being so kind. But let me just say that on this one, your approach is not balanced, and it is going to impact the very agencies that you are empowering with so many responsibilities.

I would like to ask the gentleman, adding all these new responsibilities that would require manpower and expertise that is needed, how much money is included in the authorizing process for this office to work properly?

Mr. Chairman, I yield back the balance of my time.

Mr. CHABOT. Mr. Chairman, I don't think we need to increase bureaucracy or hire a whole lot more people to implement this. We have plenty of people right now who work for the Federal Government, and I am sure that we can shift some resources around, people can work harder and smarter, and we can be leaner and meaner. The bureaucracy has grown far too large over the years.

That money comes from somewhere. Where does it come from? It comes out of the hardworking taxpayers of our country. A lot of those folks are small business folks, and they are folks that

have gotten the short end of the stick far too often.

Hopefully, this Congress will move legislation that comes out of this body in a direction where, rather than throw roadblocks, hindrances, and more problems in the pathway of small businesses, we are going to help them. I know the last thing they want to hear is: I am from the government, and I am here to help you.

The fact is the government does exist, and to the extent we can help them, we ought to do that. But most of the small businesses that I talk to, what they say is: just get the heck off my back. Quit telling me how to do what I know how to do best.

So we are not anarchists over here. We are not saying that we don't need any bureaucracy, we don't need any government, and we don't need any regulations. We do need some regulations, but we overregulate now. Hopefully, this is just one step in scaling back on the overregulation that comes out of Washington and is like a wet blanket over small businesses all over the country and like a wet blanket over the American economy. So let's get that wet blanket off, let's get the economy moving, and let's Make America Great Again.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Ms. VELÁZQUEZ).

The amendment was rejected.

AMENDMENT NO. 5 OFFERED BY MR. PETERSON

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part A of House Report 115-2.

Mr. PETERSON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 18, insert after line 8 the following:

“(5) After notice or advance notice of a proposed rule making, the agency making the rule, and any person acting in an official capacity on behalf of the agency, may not communicate, and a person who receives Federal funds from the agency may not use those funds to communicate, through written, oral, electronic, or other means to the public about the proposed rule in a manner that—

“(A) directly advocates, in support of or against the proposed rule, for the submission of information to form part of the record of review for the proposed rule;

“(B) appeals to the public, or solicits a third-party, to undertake advocacy in support of or against the proposed rule; or

“(C) is directly or indirectly for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

Such prohibition shall not apply to communication that requests comments or provides information regarding the rule in an impartial manner.”.

The Acting CHAIR. Pursuant to House Resolution 33, the gentleman from Minnesota (Mr. PETERSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. PETERSON. Mr. Chairman, I rise in support of this amendment. This amendment will prohibit Federal agencies from using taxpayer dollars to advocate on behalf of a rule or generate comments to overwhelm the record with one point of view.

A GAO report documents how the EPA created a campaign to generate comments in support of the waters of the U.S., or the WOTUS rule. This is not how government, or the rule-making process, should work.

The comment period should be a time for agencies to hear from the public about what is good, what is bad, and what needs to be fixed with a proposed rule. In my opinion, agencies too often take laws passed by Congress and then turn them into something that is unrecognizable. That is why this amendment is needed and has the support of the American Farm Bureau Federation, the National Association of Wheat Growers, and the National Association of Home Builders, among others.

This is a commonsense amendment that will improve the bill, and I urge my colleagues to vote in support.

Mr. Chairman, I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Chairman, I respectfully claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. JOHNSON of Georgia. Mr. Chairman, I oppose this amendment which would prohibit Federal agencies from making any public communications that would promote a pending regulatory action.

We can all agree that the rulemaking process should be transparent, flexible, and accountable to the public. But rather than achieve this goal, my colleagues' amendment would decrease transparency in the rulemaking process and burden agency rulemaking with little corresponding benefits to the public.

A variety of statutes, including the Administrative Procedure Act and agency specific statutes, already prescribe the method that agencies may communicate to the public with regard to proposed rules. Agencies should, and indeed are required by law to, communicate why rules are beneficial to the public. For example, in 2014, the Department of Defense proposed a rule to protect servicemembers and their families from predatory lending schemes. In a press release discussing the rule, the Defense Department highlighted the benefits of the rule such as “this proposed rule would better protect Active Duty servicemembers and their families from excessive debt.”

This plain language explanation of the proposed rule would be flatly prohibited by this amendment. Indeed, there is little that an agency could discuss about a pending rule that would not be considered to be promoting the

rule within the meaning of this amendment.

In the context of the proposed de-regulation actions, in 2003, Bush administration officials posed with chainsaws and scissors next to a stack of papers to promote efforts to cut red tape. It is doubtful that this form of public communication would be permissible under this amendment. By the way, to see the Bush administration officials with a chainsaw and scissors going at regulations reminds me of what we are doing here today.

In the context of a veto threat of a similar antiregulatory proposal last Congress, the Obama administration stated that similar requirements would prevent agencies from efficiently performing their statutory responsibilities and potentially lead to a less informed public.

Mr. Chairman, I oppose this amendment, and I urge my colleagues to do so as well.

I reserve the balance of my time.

Mr. PETERSON. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. GOODLATTE) who is the chairman of the Judiciary Committee.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding, and I support his amendment.

Title I of the bill contains critical reforms to the rulemaking process first introduced in the 112th Congress. In one sentence, one could say that these reforms have one ultimate goal—to assure a fair rulemaking process that achieves the benefits Congress seeks and keeps unnecessary costs to a minimum.

The gentleman's amendment, of which I am a cosponsor, responds to an extreme example of rulemaking abuse that played out during the 114th Congress. That abuse was the Environmental Protection Agency's advocacy campaign to skew the information submitted for its administrative record and promote lobbying on behalf of its massive proposed waters of the United States rule.

It is one thing to propose a rule and open the agency's doors impartially to information from all members of the public. It is quite another to promote public submissions to guarantee the cooking of the administrative record to support the agency's view and to advocate lobbying of Congress to support that view.

This amendment makes sure that the biased agency activity manifest in the waters of the United States rulemaking never happens again.

Mr. Chairman, I support the amendment.

Mr. JOHNSON of Georgia. Mr. Chairman, Congressman Gerald Connolly wanted it to be known for the record that agency employees are already barred under appropriations bills from engaging in publicity or propaganda. Agency employees are specifically barred from engaging in substantial grass-roots lobbying campaigns when those campaigns are aimed at encouraging members of the public to pressure Members of Congress to support

administration or department legislative or appropriations proposals.

Mr. Chairman, I have no further speakers.

I yield back the balance of my time.

Mr. PETERSON. I have no further speakers, Mr. Chairman. I just want to say that some of us who have been chairmen of committees and passed legislation around here, sometimes what comes back you don't even recognize from what you passed legislatively. This bill and this amendment will help solve that problem, to some extent. So I encourage my colleagues to support the amendment and support the bill.

Mr. Chairman, I yield back the balance of my time.

Mr. CONNOLLY. Mr. Chair, I rise today in opposition to this amendment and in strong opposition to the Regulatory Accountability Act.

This bill is another thinly veiled mechanism for the majority to attack agency rulemaking with which they disagree.

This amendment would prevent agencies from publicly disclosing information that, quote, "directly advocates, in support of or against the proposed rule, for the submission of information to form part of the record of review for the proposed rule."

I am concerned that the way this language is written it could restrict agencies from providing information about the benefits of a rule and soliciting public feedback.

The Administrative Procedure Act requires agencies to solicit public comments on proposed rules except in narrow circumstances. We should be encouraging agencies to solicit public comments in order to provide businesses, consumer groups, and other members of the public with the opportunity to make suggestions to the agency for improving the proposed rule.

Agency employees are already barred under appropriations bills from engaging in publicity or propaganda.

Agency employees are specifically barred from engaging in "substantial 'grassroots' lobbying campaigns" when those campaigns are aimed at encouraging members of the public "to pressure Members of Congress to support Administration or Department legislative or appropriations proposals."

While transparency is always helpful in the regulatory process, a requirement that agencies report to Congress every communication to the public—including every oral communication from an agency official—would be unnecessarily burdensome and would not be feasible for agencies.

The GAO has already defined covert communications, self-aggrandizement, and purely partisan activities as categories of agency communications that are often restricted by these appropriations riders.

Agencies are authorized to regulate by Congress, but this amendment would further handicap federal agencies from fulfilling their critical missions.

Under the guise of "accountability" this amendment is not even a thinly disguised attempt to muzzle commonsense regulation by suppressing even the ability to explain the proposed rule in the first place.

I urge my colleagues to uphold Congress' confidence in the agency rulemaking process

and vote against this amendment and against the Regulatory Accountability Act.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. PETERSON).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. JOHNSON of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota will be postponed.

□ 1600

AMENDMENT NO. 6 OFFERED BY MR. GRAVES OF LOUISIANA

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part A of House Report 115-2.

Mr. GRAVES of Louisiana. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 23, line 24, strike "and".

Page 24, insert after line 5 the following:

"(iii) in the case of a major rule, a report on the benefits and costs of the final rule on entities whose conduct is regulated by the rule in the Federal Register, to be revised every 5 years thereafter while the rule remains in effect, and including, at a minimum—

"(I) an assessment of the impacts, including any costs, of the major rule on regulated entities;

"(II) a determination about how the actual benefits and costs of the major rule have varied from those anticipated at the time the major rule was issued;

"(III) an assessment of the effectiveness and benefits of the major rule in producing the regulatory objectives of the major rule; and

"(IV) a review by the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget when required under executive order; and".

Page 30, line 16, insert after "the Federal Open Market Committee." the following:

"(n) REGULATION-SPECIFIC FRAMEWORKS.—

"(1) REPORT TO CONGRESS.—The agency shall provide a report to Congress not later than 90 days after the agency makes any determination under subsection (f)(4)(I)(iii)(II) that the cost to regulated entities has exceeded the anticipated cost at the time the final rule was issued. The agency, at a minimum, shall assess in the report—

"(A) whether the major rule is accomplishing its regulatory objective; and

"(B) whether the major rule has been rendered unnecessary, taking into consideration—

"(i) changes in the subject area affected by the major rule;

"(ii) whether the major rule overlaps, duplicates, or conflicts with other rules or, to the extent feasible, State and local government regulations; and

"(iii) other alternatives to the major rule or modification of the major rule that might achieve better results while imposing a smaller burden on society or at a lower cost, taking into consideration any cost already incurred.

"(2) REOPENING OF PUBLIC DOCKET.—Upon delivery of the report required in paragraph (1) the agency shall—

"(A) reopen the public docket for 60 days to receive additional comments; and

"(B) consider modifications or alternatives that reduce costs and increase benefits to regulated entities or individuals.

"(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect any other provision of law that requires an agency to conduct retrospective reviews of rules issued by the agency."

The Acting CHAIR. Pursuant to House Resolution 33, the gentleman from Louisiana (Mr. GRAVES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. GRAVES of Louisiana. Mr. Chairman, since 2008, approximately 3,300 regulations have been issued on an annual basis. I will say that again. Since 2008, approximately 3,300 regulations have been issued on an annual basis. The cost of compliance with those regulations is estimated to be somewhere around \$981 million, and if you add up the costs of compliance of all regulations, it is approximately double that. According to various studies that are out there, since 2008, the costs of complying with Federal regulations has doubled.

Mr. Chairman, this isn't about some huge megacorporation that is worth billions of dollars and is a multinational company. This impacts individuals. This impacts families. As a matter of fact, a study done by the Competitive Enterprise Institute estimates that approximately \$15,000 per year is how much the average American family spends just to comply with Federal regulations.

Major regulations are regulations that are estimated to cost in excess of \$100 million. Under our amendment, what we do is simply require that, every 5 years, the Federal agency that has promulgated—that has finalized—a regulation go back and check how much it is actually costing to comply with the regulation.

Here is why it is important, Mr. Chairman.

If you go back to a regulation that was proposed by the Department of the Interior within the last year and a half that has to do with well control in offshore energy production, the Department of the Interior estimated that the cost of complying with that regulation was going to be, approximately, \$883 million over 10 years. However, a private analysis that was done estimated that that figure was approximately one-tenth of the true cost of compliance over the first decade—one-tenth.

There is nothing that holds the Federal agencies accountable. They can lowball numbers. They can stay below the threshold of a major action and not ever have to be held accountable to the additional analysis that is required for major regulatory actions. This, simply, makes agencies go back on major regulations to re-quantify—reassess—the costs of compliance to make sure that their numbers are accurate, that they understand the costs of compliance,



and the impact on the average American family.

Lastly, Mr. Chairman, I am from the State of Louisiana. A study that was done by the Mercatus Center found that the State of Louisiana is the most federally regulated State in the United States. As a matter of fact, so regulated that we are regulated 74 percent more than the average State—74 percent more. That has a significant impact on jobs, on our economy.

The cosponsor of this amendment—the gentleman from Texas with whom I worked very closely, Mr. Chairman—says his State of Texas is burdened by an additional 30 percent of regulations above the national average. It is inappropriate; it penalizes our economy; it sends jobs overseas; and, most importantly, it penalizes American families.

Mr. Chairman, I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. JOHNSON of Georgia. Mr. Chairman, any time I hear the name "Mercatus Center" I think of pro-big business, antiregulation. This amendment imposes even more paralyzing rulemaking requirements to the more than 60 analytical and procedural requirements that are already mandated by title I of this bill. You are giving them more homework on top of homework—busywork, red tape. Gum up the works—that is what this is all about.

The amendment would require agencies to assess the economic impacts of major rules every 5 years, including a cost-benefit analysis of the rule every 5 years, an estimate of the rule's cost on regulated entities, and whether these costs exceed an agency's initial estimates, among other requirements. Worse yet, once this information is compiled, the amendment would also require the agency to reopen the public docket on the rule for 60 days to consider modifications to the underlying rule.

Under current law, Federal agencies already conduct an extensive retrospective review process of existing rules and have already saved taxpayers billions in cost savings. This is yet another attempt to derail the rulemaking process by paralysis through analysis.

Since 2011, the Obama administration has made a durable commitment to ensuring the retrospective review of existing regulatory protections. Pursuant to Executive Order Nos. 13563 and 13610, agencies are already required to conduct a periodic review of existing rules to protect public health while reducing paperwork burdens.

Furthermore, as the Obama administration stated in the context of a veto threat of a similarly draconian antiregulatory proposal, "it is important that retrospective review efforts not unnecessarily constrain an agency's ability to provide a timely response to critical public health or safe-

ty issues or constrain its ability to implement new statutory provisions."

This amendment would do just that by requiring agencies to conduct a perpetual notice-and-comment process for major rules that have been adopted long ago. I urge my colleagues to oppose this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GRAVES of Louisiana. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. GOODLATTE), the chairman of the Judiciary Committee.

Mr. GOODLATTE. I thank the gentleman from Louisiana, and I support his amendment.

Mr. Chairman, many of the reforms in title I of the bill focus on assuring better decisionmaking and cost control for major rules—typically, those that impose more than \$100 million or more per year in costs.

One of these reforms is the common-sense requirement that an agency, when it publishes a major rule, include a plan for reviewing how the rule is working within 10 years. A focus of that review is to determine whether it is possible, after the rule has been put into practice, to find new ways to lower the rule's costs.

The gentleman's amendment speeds this process up, requiring review within 5 years, and increases Congress' oversight, requiring reports by agencies to Congress on their reviews. Most importantly, the amendment requires that, if an agency's report to Congress shows the rule's costs in practice are higher than anticipated at promulgation, the agency must institute a notice-and-comment process aimed at identifying revisions that can lower costs.

This is a measure that can only strengthen the bill's effectiveness and help lower unnecessary burdens on the American people. I support the amendment.

Mr. JOHNSON of Georgia. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. I thank Mr. JOHNSON. I thank Ranking Member CONYERS for the leadership that he provided the committee for so many years. I thank Chairman GOODLATTE and Congressman GRAVES for working in a bipartisan way.

Mr. Chairman, this amendment is common sense. It calls on the government to bring transparency to the major rules.

Once an agency finalizes a major rule, that is the end of it. They are not required to review the benefits or the economic impacts. This amendment, however, holds the agency accountable by requiring that it look back and assess the costs and benefits of that rule after it has taken effect. Should the cost of the regulation exceed the proposed costs under the rule, then, under this amendment, this agency will report back the increase to the Congress. This amendment would facilitate a dia-

logue between the agency and the stakeholders. If the costs have gone up, then the agency must open up a comment period to hear the stakeholders and consider possible modifications or alternatives to reduce the cost and increase the benefits. We do that in Congress. Every time we pass a piece of legislation, we go back and fine tune the legislation, and I think we need to do the same thing here.

Again, we must not allow regulations to run out of control. We should hold agencies accountable. This amendment will bring transparency and begin those conversations between stakeholders and the agencies.

Again, I thank Congressman GRAVES for this bipartisan amendment.

Mr. GRAVES of Louisiana. Mr. Chairman, again, I thank the gentleman from Texas, with whom I worked closely in developing this amendment, which was legislation we introduced last year and which had dozens of bipartisan cosponsors.

In summary, this is an Article I issue. This ensures that when an agency tells Congress, they tell the American public that when the regulation is going to cost a certain amount to comply with, they are held accountable to that. This is about accountability. This is about transparency.

My friend from Georgia mentioned that this was "busywork." Mr. Chairman, I want you to think about that for a minute.

This applies to major rules that are estimated to cost in excess of \$100 million to comply with, and they find it offensive that we ask them to look back one time every 5 years for rules that cost American families over \$100 million to comply with every single year?

I am offended by that, and I am sure that millions and millions of American families are offended by that as well.

It is all summarized by this, Mr. Chairman: since 2009, for the first time in recorded history, we have had a net loss in small businesses in the United States. Regulations are hidden taxes that impact our businesses, that impact our employment opportunities, and that drive jobs to other countries.

Mr. Chairman, I yield back the balance of my time.

Mr. JOHNSON of Georgia. Mr. Chairman, the bottom line is that my friends on the other side of the aisle, in their quest to satisfy the big businesses that fund these campaigns, don't like regulations that protect the health, safety, and well-being of Americans, including children, including the elderly, the weak, the sick. They are trying to get rid of the Affordable Care Act; trying to kill those regulations; trying to kill regulations on Dodd-Frank, which is protecting people from financial ruin by Wall Street barons.

This is an incessant march toward a deregulatory environment. We can't let it continue unabated. We must protest. We must speak out. We must do the right thing to protect the people of this

country. For that reason, I urge my colleagues to oppose this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR (Mr. CHABOT). The question is on the amendment offered by the gentleman from Louisiana (Mr. GRAVES).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. YOUNG OF IOWA

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in part A of House Report 115–2.

Mr. YOUNG of Iowa. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 33, line 10, strike “agencies and” and insert “agencies.”

Page 33, line 11, insert after “easy to understand,” the following: “and issues guidance in a manner sufficient to provide at least 90 days for affected entities to take steps to comply with such guidance.”

The Acting CHAIR. Pursuant to House Resolution 33, the gentleman from Iowa (Mr. YOUNG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. YOUNG of Iowa. I thank the gentleman from Virginia for his help and leadership on this issue.

Mr. Chairman, this amendment is designed to make an already very good bill even better. Regulators regulate. That is what they do. Regulators regulate businesses, large and small, State and local governments, nonprofits, individuals, et cetera. These regulated entities often rely on guidance from agencies to become compliant with a new rule or regulation; but, occasionally, this guidance is offered far too late in the process, leaving entities with the decision to either move forward without guidance and face possible penalties, litigation, losses, or to wait until guidance is offered and then scramble to implement changes before the deadline, increasing the likelihood for mistakes and failure.

My amendment seeks to ensure guidance is offered and available in a timely manner by instructing agencies to the Office of Information and Regulatory Affairs to issue guidance at least 90 days before a rule or a regulation goes into effect so that affected entities have time to comply.

As an example, companies recently experienced the hardships of late guidance from HHS through CMS. There is a company in Iowa and similar companies from around America that produce forms, using post acute healthcare reimbursements, including skilled nursing and home care, both of which receive funding through Medicare.

CMS is responsible for setting rules for the reimbursement forms. Okay. Fine. CMS specified a new set of rules for forms going into effect at the beginning of the year. Okay. Great. This company and other companies waited

for CMS guidance before printing and sending reimbursement forms to its customers, and this company waited and waited and waited; but 3 weeks before the effective date, this company and others like it hadn't heard anything from CMS on guidance or directions—crickets.

□ 1615

So at this point, they had to make a business decision. That is the reality. Either wait for CMS and fail to have the required forms to its customers in time for the new year or send the forms to print, cross your fingers, say a prayer, roll the dice, and hope they will later be found in compliance.

They sent the forms to print knowing full well they would eat the cost if the forms did not comply. Losses, penalties, litigation, a soiled reputation—those are the real things the lack of guidance and notice causes. Thankfully, everything worked out in this situation, but in other situations, things haven't worked out. A few days after they sent the forms to print, CMS finally approved.

However, this situation illustrates a broader problem that occurs too often transcending in other instances through the economy and needs to be addressed. We need to make sure that when we give agencies the power to effectively write law, we ensure compliance guidelines are clear-cut, timely, and enforcement is fair.

Allowing the regulatory process to continue as is and agencies to issue needed guidance at the last minute, we only further burden Americans in their organizations, businesses, these individuals in our districts.

So I want to be clear what the amendment does not do. This amendment does not change a rule or regulation in any way. It does not direct the Office of Information and Regulatory Affairs to do or speak to anything else other than the timeliness issue I just described. It is pretty plain language. My amendment says, when guidance is forthcoming, it arrives in a timely manner.

Mr. Chairman, it is past time for Congress to rein in and approve this process so our constituents aren't left with uncertainty, wringing their hands waiting for Washington, and can, instead, get to work. Let's get this fixed right now, Mr. Chairman.

I urge my colleagues to support this amendment and the underlying bill.

Mr. Chair, I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Chair, I claim the time in opposition.

The Acting CHAIR (Mr. GRAVES of Louisiana). The gentleman is recognized for 5 minutes.

Mr. JOHNSON of Georgia. Mr. Chair, I appreciate my friend Mr. YOUNG's amendment which establishes a 90-day compliance period for guidance documents when, in the underlying legislation, it makes clear that during any compliance period for guidance it is

nonbinding. So I rise in opposition to this amendment which imposes an unnecessary and burdensome 90-day waiting period for agencies to issue guidance documents.

Importantly, as a form of non-legislative rule, guidance documents do not have the force of law and are not subject to the Administrative Procedure Act's notice and comment requirements. Section 104 of H.R. 5 already clarifies that these documents are not legally binding and may not be relied upon by an agency as legal grounds for agency action.

This provision additionally requires agencies to make this document available to the public and provide a plain and prominent statement that the document is not legally binding. Given the requirements that already exist in current law and the additional requirements imposed by title I of this bill, it is difficult to ascertain why an additional 90-day compliance period for guidance that is not legally binding is warranted.

Furthermore, in all cases, regulated entities have ample opportunity to challenge rules, including guidance, as “arbitrary or capricious” under the Administrative Procedure Act where an agency lacks statutory authority to issue the guidance or the guidance is otherwise legally unsound.

Indeed, as Justice Elena Kagan noted in 2015 in *Paralyzed Veterans v. Mortgage Bankers*, the APA contains a variety of constraints on agency decision-making, the arbitrary and capricious standard being among the most notable.

Accordingly, I oppose the amendment, and I urge my colleagues to do the same.

Mr. Chair, I yield back the balance of my time.

Mr. YOUNG of Iowa. Mr. Chairman, how much time do I have left?

The Acting CHAIR. The gentleman has 1 minute remaining.

Mr. YOUNG of Iowa. Mr. Chair, I yield 1 minute to the gentleman from Virginia (Mr. GOODLATTE), the chairman.

Mr. GOODLATTE. Mr. Chair, I thank the gentleman for the time.

I support his amendment. Agency guidance is a crucial part of our regulatory system—flexible because not legally binding, but needed so regulated entities can understand how best to comply with agency rules.

Guidance, if it responds in a timely way to the regulated community's need for it, helps everything to function smoothly. But one thing that does not help is agency heel-dragging in the issuance of guidance as the regulated community comes up against legal or practical deadlines by which it needs to implement compliance measures. Too often agencies hurry up and wait to produce needed guidance, then tell those who waited long and hard for it to hurry up and respond, pronto. That can leave very little time for the regulated community to act before deadlines hit.

To solve this problem, the amendment offers a simple but much-needed solution. It requires that, within “good-guidance” guidelines to be issued by the Office of Information and Regulatory Affairs under the bill, there be guidelines for agencies generally to assure at least 90 days for regulated entities to institute measures consistent with newly issued guidelines.

I support the amendment.

Mr. YOUNG of Iowa. Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. YOUNG).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MS. CASTOR OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in part A of House Report 115–2.

Ms. CASTOR of Florida. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 36, strike line 10 and all that follows through page 37, line 9.

Page 38, strike line 11 and all that follows through page 39, line 12.

Add, at the end of the bill, the following (and conform the table of contents accordingly):

#### **TITLE VII—EXCEPTION FOR CERTAIN RULES**

##### **SEC. 701. EXCEPTION FOR CERTAIN RULES.**

This Act, and the amendments made by this Act, shall not apply in the case of a rule (as such term is defined in section 551 of title 5, United States Code) that will result in a reduced incidence of cancer, premature mortality, asthma attacks, or respiratory disease in children or seniors. The provisions of law amended by this Act, as in effect on the day before the date of the enactment of this Act, shall apply to such rules.

The Acting CHAIR. Pursuant to House Resolution 33, the gentlewoman from Florida (Ms. CASTOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. CASTOR of Florida. Mr. Chair, I rise to offer an amendment to this troubling bill, a bill that proposes to erode the separation of power safeguards in the United States Constitution. My amendment would exempt from this bill rules that protect children and older Americans from cancer, premature mortality, asthma attacks, and respiratory disease so that such rules are not irresponsibly delayed or denied.

H.R. 5 unreasonably condemns every major rule, no matter its subject, to an early bureaucratic demise at the hands of the special interests. Many laws and regulations that are adopted and developed to protect the public health and protect costly chronic diseases really shouldn't be put on the back burner just because special interests can oftentimes muck up the gears of government here in Washington.

For example, the Clean Air Act, which has been in place for over 40

years, has been one of the most effective public health laws on the books. In 1970, at a time when smog was dense and visible in our cities and towns and industrial areas, our leaders took an important step to protect the public health and regulate emissions of hazardous air pollutants by adopting the Clean Air Act, with only one “nay” vote here in the entire Congress. Since then, agency rules and regulations have been adopted to implement the act based upon the best science. Those vital policies have improved our health, protected all Americans from harmful air pollution, such as ozone, nitrogen dioxide, sulphur dioxide, and particle matter.

This Republican bill, H.R. 5, largely, would end our ability to develop future safeguards for clean air. Toxic pollutants like ozone, which is a major component of smog, are linked to asthma, lung and heart disease, and result in thousands of deaths every year and up to 1 million days of missed school. Our kids are particularly susceptible to this type of pollution because their lungs are still developing, and they are more likely to spend long periods outdoors, placing them at higher risk.

The American Lung Association states that inhaling smog pollution is like getting a sunburn on your lungs and often results in immediate breathing trouble. The University of South Florida's Department of Child & Family Studies did a study in 2014 and said, in the State of Florida alone, there were 48,674 asthma emergency room visits by children and over 6,500 asthma hospitalizations.

Any American who has been alive since the adoption of the Clean Air Act in the 1970s has an appreciation for the benefits of clean air. America is stronger and Americans are healthier because of the Clean Air Act.

Let's not go backwards. This bill, if adopted, would undermine the Clean Air Act and so many other policies that lift and protect our neighbors.

We still have work to do when it comes to the air that we breathe because, even with all of the progress we have made, many working class communities continue to bear the brunt of environmental pollution because oftentimes the only homes that are affordable are located near industrial sites. According to the NAACP, 78 percent of African Americans live within 30 miles of an industrial power plant and 71 percent of African Americans live in counties that violate Federal air pollution standards; and the Environmental Defense Fund found that our Latino neighbors are three times more likely to die from asthma, often for the same reasons.

If you establish such barriers to cleaning our air, it is not only our families and neighbors that will suffer, but it will also be the American economy. Far from being an economic burden, clean air protections in the U.S. have a great track record, demonstrating that economic growth and pollution reduc-

tion can go hand in hand. Since 1970, we have cut harmful air pollution by about 70 percent, and the U.S. economy has more than tripled.

I urge my colleagues to side with hardworking American families and not corporate polluters who love this bill. Don't prioritize polluter profits over science and the health and safety of the public, especially the most vulnerable among us.

I reserve the balance of my time.

Mr. MARINO. Mr. Chair, I claim the time in opposition to the amendment.

The Acting CHAIR (Mr. YOUNG of Iowa). The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MARINO. Mr. Chair, the gentlewoman's amendment would strike from the bill the Separation of Powers Restoration Act and the core judicial review provisions of the Regulatory Accountability Act. The resulting legislation, rather than restore an adequate framework of checks and balances against agency overreach and abuse, would perpetrate and perpetuate features among the worst of our current, runaway regulatory system. We cannot complete true regulatory reform without restoring to the judicial branch the vigorous powers of judicial review the amendment would strike.

In addition, the bill would exclude from title I's critical rulemaking reforms all rules to reduce the incidence of cancer, premature mortality, asthma attacks, and respiratory diseases in children and seniors.

All of us support the reduction of morbidity and mortality among children and seniors. Rules to advance these goals, done properly, contribute substantially to our Nation's health and well-being, but the bill does nothing to frustrate the effective achievement of those goals. It simply assures the agencies issuing these types of rules—and all agency rulemaking in general—will avoid unnecessary and overreaching regulation and issue smarter, less costly regulation and guidance when necessary.

I urge my colleagues to oppose the amendment.

I reserve the balance of my time.

Ms. CASTOR of Florida. Mr. Chairman, I urge my colleagues to vote “yes” on the Castor amendment to protect children's health, to protect the health of our older neighbors. We value the air that we breathe.

H.R. 5 would inject unnecessary barriers into the ability of our environmental agencies—heck, all of the agencies of government—to protect us.

When it comes to the final bill itself, if you believe in checks and balances as a foundation of our constitutionally-based government, I urge my colleagues to oppose the bill.

I yield back the balance of my time.

□ 1630

Mr. MARINO. Mr. Chairman, I believe in the Constitution just like everyone else does, and primarily we, as congressmen and congresswomen, have

a responsibility to make the laws, not unelected bureaucrats who have no experience in a lot of the areas where they are making these laws.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. CASTOR).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. CASTOR of Florida. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Florida will be postponed.

#### AMENDMENT NO. 9 OFFERED BY MR. CICILLINE

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in part A of House Report 115–2.

Mr. CICILLINE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 36, strike line 10 and all that follows through page 37, line 9.

Page 38, strike line 11 and all that follows through page 39, line 12.

Add, at the end of the bill, the following (and conform the table of contents accordingly):

#### TITLE VII—EXCEPTION FOR CERTAIN RULES

##### SEC. 701. EXCEPTION FOR CERTAIN RULES.

This Act, and the amendments made by this Act, shall not apply in the case of a rule (as such term is defined in section 551 of title 5, United States Code) pertaining to the prevention of the transmission of foodborne illness or assistance to domestic and foreign food facilities to meet preventive-control requirements for safety, such as hazard prevention practices in human and animal food processing, packing, and storage facilities. The provisions of law amended by this Act, as in effect on the day before the date of the enactment of this Act, shall apply to such rules.

The Acting CHAIR. Pursuant to House Resolution 33, the gentleman from Rhode Island (Mr. CICILLINE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Rhode Island.

Mr. CICILLINE. Mr. Chairman, the bill before us today promises to update the ways that agencies make and enforce their rules and regulations. But in many ways, it is a solution in search of a problem. When issuing a rule, Federal agencies must already adhere to rigorous analytical process of considering alternatives, justifying the cost of a rule, and considering input from stakeholders.

Within this framework, agencies have been granted the necessary latitude to react quickly to urgent crises in consumer safety. It has preserved the safety of our food and our drinking water and has protected our families from defects in the products that we rely upon every day. However, the passage of this bill would put that safety and that protection at risk.

With H.R. 5, we are getting six reform bills rolled into one. This sweeping regulatory bill would cumulatively add 60 new procedural and analytical requirements to the agency rule-making process, invite frivolous litigation against agencies, empower special interests, and emphasize cost-saving over public protection.

If enacted, H.R. 5 will needlessly create such an enormous burden on the rulemaking process that it threatens to hamstring agencies and discourage them from pursuing new rules at all. In its present form, this bill endangers our Nation's environmental, public health, workplace safety, and consumer financial security protections.

My amendment would offer critical protection by exempting rules pertaining to the prevention of the transmission of foodborne illness or assistance to food facilities to meet preventive-control requirements for safety.

Protecting consumers from dangerous food contamination is a worthy goal in and of itself. And this amendment would go even further by protecting jobs and businesses. For example, in 2015, Blue Bell Creameries suffered a deadly listeria contamination crisis and had to recall 8 million gallons of ice cream. After the company shut down most of its production, Blue Bell was forced to lay off 1,450 employees from their jobs, or 37 percent of their workforce, and an additional 1,400 employees were furloughed.

Chipotle is also still reeling from various outbreaks of E. coli, salmonella, and norovirus over 2015 and 2016, which caused widespread panic among customers and the company's shareholders. Despite marketing efforts to repair its reputation, Chipotle's sales have steadily declined, and it plans to open fewer stores in 2017. This, in turn, had a domino effect on Chipotle's paper bowl supplier who laid off 5 percent of its employees because of decreased demand from Chipotle.

Afterward, both Blue Bell and Chipotle took aggressive remedial steps, such as conducting deep cleansing of equipment and facilities, changing food preparation procedures, hiring food safety consultants, training employees, and temporarily suspending operations. The FDA responded by proposing proactive rules, such as having manufacturers come up with a plan to identify potential food safety problems and how to respond to them. The FDA also proposed a rule to establish standards for growing, harvesting, packing, and handling produce.

Both these rules could greatly assist businesses in minimizing future food contamination and having to deal with the economic aftermath of an outbreak. However, under H.R. 5 in its current form, similar such FDA rules could be delayed by years or halted entirely. We can't afford to put consumer safety and our economy at risk while Congress entangles any real possibility for immediate and preventative action.

I ask my colleagues to support this commonsense amendment to ensure that we protect the public and health and safety of our constituents.

I reserve the balance of my time.

Mr. MARINO. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR (Mr. FORTENBERRY). The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MARINO. Like the previous amendment, the gentleman's amendment would strike from the bill the Separation of Powers Restoration Act and core judicial review provisions of the Regulatory Accountability Act. Faced with a runaway administrative state, we must not gut the bill's crucial reinforcements of judicial checks and balances against agency overreach and abuse. For this reason alone, the amendment should be rejected.

In addition, the bill would exclude from title I's long-needed rulemaking reforms numerous types of food safety regulations. All of us support food safety. But the bill does nothing to frustrate the protection of food safety. In fact, it clearly calls upon regulatory agencies to achieve their statutory objectives in this and all areas. Beyond that, it simply ensures that agency rulemaking will avoid unnecessary and overreaching regulations and produce smarter, less costly regulation and guidance when necessary.

I urge my colleagues to oppose the amendment.

I reserve the balance of my time.

Mr. CICILLINE. Mr. Chairman, I thank my friend from Pennsylvania for his comments, but the assertion that this does nothing to frustrate or jeopardize food safety is not true. This creates 60 new procedural and analytical requirements to agency action, and that will invite frivolous litigation, empower special interests, emphasize cost saving over public protection, and make implementation of these rules almost impossible.

It is important to remember, Mr. Chairman, when issuing a rule, Federal agencies already are required to adhere to a rigorous analytical process of considering alternatives, justifying the cost of the rule, and considering input from stakeholders. I gave two examples in my earlier comments that demonstrate that there is a real role for the Federal Government in the implementation of rules to protect food safety. There are real consequences not only to the individuals harmed but to our economy by these sorts of events. This bill will not only frustrate that, in many instances, it will make it impossible. I urge my colleagues to support this commonsense amendment.

I yield back the balance of my time.

Mr. MARINO. Mr. Chairman, I respectfully disagree with my friend and NATO member. We have traveled together.

A lot of the delay now is because of the agencies and how long they take to make decisions. With the premise behind our bills combined, agencies come

up with an idea that they think will improve the quality of life, and that is what they should be doing. But then they immediately send it to us in the House, in Congress, and then we make the determination as to whether it is good law or it is bad law and apply it that way. We certainly have the time in the House, and I am sure the Senate has the time, too, to address these matters quickly and not delay it as long as the agency has been delaying making rules.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Rhode Island (Mr. CICILLINE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MARINO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Rhode Island will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. JOHNSON  
OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in part A of House Report 115–2.

Mr. JOHNSON of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 36, strike line 10 and all that follows through page 37, line 9.

Page 38, strike line 11 and all that follows through page 39, line 12.

Add, at the end of the bill, the following (and conform the table of contents accordingly):

**TITLE VII—EXCEPTION FOR CERTAIN  
RULES**

**SEC. 701. EXCEPTION FOR CERTAIN RULES.**

This Act, and the amendments made by this Act, shall not apply in the case of a rule (as such term is defined in section 551 of title 5, United States Code) pertaining to significantly improving the employment, retention, and wages of workforce participants, especially those with significant barriers to employment, such as persons with disabilities or limited English proficiency. The provisions of law amended by this Act, as in effect on the day before the date of the enactment of this Act, shall apply to such rules.

The Acting CHAIR. Pursuant to House Resolution 33, the gentleman from Georgia (Mr. JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. JOHNSON of Georgia. Mr. Chairman, I rise in support of my amendment to H.R. 5 which would exempt from the bill rules that improve the employment retention and wages of workforce participants, especially those with significant barriers to employment.

When President Obama took office in 2009, he inherited the worse economic depression since the Great Depression.

Since then, President Obama's "North Star" on domestic policy has long been to make the economy work for the middle class and for those fighting to join it. Notwithstanding historic austerity levels and a Republican Congress more interested in winning elections than putting Americans back to work or increasing wages, President Obama has largely achieved this goal, while rescuing the auto industry and signing tax cuts for middle class persons, as opposed to just simply big business.

According to the leading economic data, private sector businesses have created more than 15 million new jobs. The unemployment rate has dropped well below 5 percent to the lowest point in nearly a decade, wages are rising, and the poverty rate has dropped to the lowest point since 1968. And more people have health insurance than ever before.

This has all occurred during an administration that is pro environment, pro clean energy, pro workplace safety, pro medical care, pro Medicare, pro Medicaid, pro Social Security. In fact, during this time, our Nation has doubled its production of clean energy and reduced carbon emissions faster than any other advanced nation.

Notwithstanding this progress, there is still much work to be done for millions of Americans in every part of our country who are out of work, underemployed, or have not seen significant wage growth postrecession. But they should understand it was the Republicans who caused that to happen by not wanting to work with the President and members of the Democratic Party to make things better for working people in this country.

Congress should be working tirelessly now across party lines to find solutions to persistent unemployment and stagnant wages, such as a public infrastructure investment agenda that will increase productivity and domestic output while turning the page on our historic underinvestment in our Nation's roads, bridges, and educational institutions.

Unfortunately, this bill, H.R. 5, is not one of those solutions. The Regulatory Accountability Act is nothing short of a train wreck for critical public health and safety protections that ensure that our air is clean, our water is pure, and that our workplace, vehicles, homes, and consumer products are safe.

Freeing corporations from the costs of protecting Americans against harmful activity is not the right path forward to increasing employment and wages for all. It is a giveaway to the corporate sector that supports them. I urge my colleagues to support my amendment.

I reserve the balance of my time.

Mr. MARINO. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MARINO. This amendment would strike from the bill the Separation of

Powers Restoration Act and the essential judicial review provisions of the Regulatory Accountability Act. It, too, should be rejected for those reasons.

In addition, the bill would exclude from title I's rulemakings reforms numerous types of rule related to employment and wages. But once again, the bill does nothing to prevent good rules in these areas. On the contrary, it would produce better rules, rules that are smarter and less costly, freeing resources for job creation and higher wages. I urge my colleagues to oppose the amendment.

I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Chairman, I yield the balance of my time to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Chairman, I applaud Mr. JOHNSON, the ranking member of the subcommittee for his leadership on these issues, and the ranking member of the full committee, Mr. CONYERS, for his persistent leadership, having gone over this bill any number of times. Let me mention that Mr. JOHNSON's amendment is vital because it deals with vulnerable workforce individuals, individuals with disabilities, limited English proficiency, and other requirements. And I would beg to differ with my good friend from Pennsylvania, 70 different elements of criteria that you will put these regulations through, you are simply trying to implode those who advocate for the rights of workers, unions, and others. Therefore, I would question the viability of trying to obstruct, helping these vulnerable workers. This is a very good amendment.

Let me be very clear. Since 2010, U.S. businesses have added 15.6 million jobs. From 2014 to 2015, real median household income grew by 5.2 percent. We know that, as Jason Furman, chairman of the Council of Economic Advisers notes, demographic changes in labor force participation, primarily driven by a large increase in retirement by baby boomers that began in 2008, has consistently weighed on employment growth. It is quite different from when President Reagan was in. The labor force participation rate is low because of these variables.

□ 1645

These regulations are not going to improve that participation. The Obama recovery has been slower because, under Reagan, we realized the baby boomers were in their prime. Now the baby boomers are retiring.

We need to provide opportunities for younger workers, minority workers, workers with disabilities; and this, H.R. 5, with all of these hoops that the regulation has to go through that are protecting or empowering workers or increasing the opportunities for workers is certainly going to thwart that growth.

You cannot deny that this administration has seen growth with 200,000-plus jobs per month over a series of

years. I would argue that Mr. JOHNSON's amendment is a strong amendment. It promotes job growth, and it gives opportunities to many who are vulnerable in the workforce.

I ask my colleagues to support the Johnson amendment.

Mr. Chair, my Republican colleagues have made several statements concerning economic activity that invite fact checks:

First, they argue that the labor force participation rate is historically low, but as we all know, the labor force participation is affected by both long term trends and short term policies. As Jason Furman, the Chairman of the Council of Economic Advisers, notes, "demographic changes in labor force participation—primarily driven by a large increase in retirement by baby boomers that began in 2008—have consistently weighed on employment growth."

Second, they argue that the Obama recovery has been slower than the economic recovery under the Reagan Administration. But this argument is laughable. President Reagan's recovery benefited from the fact that many baby boomers were in the prime working years while President Obama's recovery has taken place in front of the backdrop of an aging U.S. population. More importantly, the economic lows of the Reagan Administration are not comparable to the mortgage-foreclosure crisis, which resulted in higher unemployment than any other period since the Great Depression.

Finally, despite many bald assertions, my Republican colleagues have not satisfactorily explained how H.R. 5 will create a single job or responded to President Obama's unimpeachable jobs record. In fact, despite, strong economic headwinds and years of Republican obstructionism during the majority of his presidency, the U.S. economy is 11.5 percent larger than its peak before the 2008 economic crisis as of the third quarter of 2016.

Since early 2010, U.S. businesses have added 15.6 million jobs.

From 2014 to 2015, real median household income grew by 5.2 percent, the fastest annual growth on record, and the United States saw its largest one-year drop in the poverty rate since the 1960s.

In closing, there is little evidence supporting my Republican colleagues' claims and if there is any doubt that the H.R. 5 will undermine workforce participation, my colleagues should support my amendment.

The Acting CHAIR. The time of the gentleman has expired.

Mr. MARINO. Mr. Chair, I simply would add that I ask my colleagues to oppose this amendment.

As far as the jobs increase, or lack thereof, that my colleague speaks of, we have had the slowest growth rate in jobs in the history of this country. There are millions of people that are unemployed that are not seeking unemployment benefits, and they are not taken into consideration in the unemployment rate because it is much higher than it is; and the mean family income is at a low as far back as 14 years ago.

Ms. JACKSON LEE. Will the gentleman yield?

Mr. MARINO. I yield to the gentleman from Texas.

Ms. JACKSON LEE. I thank the gentleman for his kindness.

Would the gentleman not count automation and technology as one of the elements and, as well, the idea of the retiring of baby boomers as part of the issue of growth? And can we not work together to question those particular elements so that we can collectively and collaboratively promote job growth?

Mr. MARINO. Well, first of all, I would certainly enjoy working on job growth with the gentlewoman. We have worked on issues in the past.

But the gentlewoman forgets about the technology that has created jobs. People have to write those programs. People have to build that hardware. They have to come up with very intense, very intricate ways to make the machinery, continue updating the software. My daughter is a software major in college, and the jobs there are abundantly available.

So the jobs are there, but what I am hearing from people in my district and across the country is the regulations that have been imposed, not only by this administration but other administrations as well, are crushing particularly our small businesses.

So if we can step back and eliminate these job-crushing regulations and take into consideration the economics involved, we are going to create more jobs, we are going to protect people, and we are going to protect the health of people.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. JOHNSON).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 11 OFFERED BY MR. RUIZ

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in part A of House Report 115-2.

Mr. RUIZ. Mr. Chairman, I have an amendment to H.R. 5 at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 36, strike line 10 and all that follows through page 37, line 9.

Page 38, strike line 11 and all that follows through page 39, line 12.

Add, at the end of the bill, the following (and conform the table of contents accordingly):

#### TITLE VII—EXCEPTION FOR CERTAIN RULES

##### SEC. 701. EXCEPTION FOR CERTAIN RULES.

This Act, and the amendments made by this Act, shall not apply in the case of a rule (as such term is defined in section 551 of title 5, United States Code) pertaining to the safety of children's products or toys. The provisions of law amended by this Act, as in effect on the day before the date of the enactment of this Act, shall apply to such rules.

The Acting CHAIR. Pursuant to House Resolution 33, the gentleman from California (Mr. RUIZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. RUIZ. Mr. Chairman, I rise today in support of my amendment to H.R. 5, which will ensure children's products are safe for use.

In 2015, there were an estimated 254,200 toy-related injuries treated in emergency departments across the Nation. Tragically, 15 children were killed in toy-related incidents that same year. As an emergency medicine physician, I have treated children who have fallen victim to these accidents.

H.R. 5, the Regulatory Accountability Act, prioritizes cheaper alternatives for companies over the safety of our children. To me, this is unconscionable. It is wrong. It is not the direction we should be taking our Nation.

My amendment to H.R. 5 will ensure that an agency rule regarding the safety of children's products or toys is not delayed by the bureaucratic hurdles that H.R. 5 imposes on Federal agencies. My simple amendment provides a straightforward safety net for our sons and daughters across the country.

Our children should always be our priority. The facts are clear: a vote against my amendment is a vote to put a company's bottom line above the safety of our children. So I urge all of my colleagues to support this common-sense amendment to protect our children.

Mr. Chairman, I reserve the balance of my time.

Mr. MARINO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MARINO. Mr. Chairman, like other carve-out amendments just offered, this amendment would strike from the bill the Separation of Powers Restoration Act and the essential judicial review protections of the Regulatory Accountability Act. It should be rejected. We should not be settling for weak judicial review that produces rubber stamps of agency action. We should be voting for the strong judicial review reform in the bill that prevents judicial rubber stamps.

Beyond that, the bill would exclude from title I's rulemaking reforms children's toys and product safety rules. But again, the bill does nothing to prevent good rules in these areas. It will produce better rules, rules that are smarter and less costly, freeing resources for job creation and higher wages. Smarter rules are precisely what we need to protect children's health and safety, and more jobs and higher wages are what are needed to help families provide for their children.



I urge my colleagues to oppose the amendment, and I reserve the balance of my time.

Mr. RUIZ. Mr. Chairman, I want to emphasize what is at stake here. We are talking about delay or forgoing regulations that protect our children, regulations that give parents like me the peace of mind that when I buy a bottle for my daughter, Sky, I know it is safe for her to use, and that when I buy a product that is labeled age-appropriate for my daughter, Sage, I can reasonably expect it will not contain small parts that Sage could swallow and send her to the emergency room with an obstructed esophagus that will require emergency surgery.

For me as a dad it is personal, and for our Nation it is essential. This is commonsense legislation.

I urge my colleagues to put aside partisanship, politics, and corporate greed and to think about the children in their lives who could be harmed by this bill. Vote "yes" on my amendment to protect children and save lives.

Mr. Chairman, I yield back the balance of my time.

Mr. MARINO. Mr. Chairman, respectfully, the gentleman does not have the market cornered on worrying about the safety of our children. I think anybody in this room who has children has just as much concern for our children.

What his amendment does is gut—it guts—regulations, and what our amendments do—and the way we should be handling these as Congress making any laws—will improve the quality of life and improve the protections.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. RUIZ).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. RUIZ. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 12 OFFERED BY MR. SCOTT OF VIRGINIA

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in part A of House Report 115-2.

Mr. SCOTT of Virginia. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 36, strike line 10 and all that follows through page 37, line 9.

Page 38, strike line 11 and all that follows through page 39, line 12.

Add, at the end of the bill, the following (and conform the table of contents accordingly):

#### TITLE VII—EXCEPTION FOR CERTAIN RULES

##### SEC. 701. EXCEPTION FOR CERTAIN RULES.

This Act, and the amendments made by this Act, shall not apply in the case of a rule

(as such term is defined in section 551 of title 5, United States Code) pertaining to workplace health or safety at mining facilities which are subject to the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.) or workplaces which are subject to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), and which is necessary to prevent or reduce the incidence of work-related traumatic injury, cancer, or irreversible lung disease. The provisions of law amended by this Act, as in effect on the day before the date of the enactment of this Act, shall apply to such rules.

The Acting CHAIR. Pursuant to House Resolution 33, the gentleman from Virginia (Mr. SCOTT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. SCOTT of Virginia. Mr. Chairman, this amendment to the Regulatory Accountability Act, H.R. 5, if adopted, would exempt regulations proposed by the Mine Safety and Health Administration or the Occupational Safety and Health Administration, MSHA and OSHA, which are needed to prevent or reduce the incidence of traumatic injury, cancer, or irreversible lung disease.

I am deeply concerned that this legislation would impose layers of unnecessary procedures to the rulemaking process and provide incentives for frivolous litigation, while hindering workplace safety agencies trying to help keep workers safe.

Current procedures that govern OSHA's rulemaking already involve an extensive review process and stakeholder engagement from small business review panels, risk assessments, economic feasibility determinations, public hearings, and multiple opportunities for public comment.

According to the GAO, to meet these requirements, it takes OSHA 7 years to issue a new safety standard. In fact, it required 18 years for OSHA to update a rule that reduces exposure to beryllium, a metal that causes irreversible lung disease, even though there was broad agreement between employers and unions on the new standard.

H.R. 5 imposes 60 additional procedural steps in order to issue a new rule, on top of extensive layers of review already required by the Administrative Procedure Act, the Regulatory Flexibility Act, Data Quality Act, and numerous executive orders. The goal of adding these layers is obvious: to tie agencies such as OSHA and MSHA in red tape so they can't do their jobs protecting workers and improving workplace safety.

One especially troubling part of the bill would require a super-mandate that requires agencies to use the least cost alternative instead of the most protective rule. Nobody favors excessive cost, but this requirement overrides the carefully balanced requirements in OSHA that require life and limb must be fully protected, provided that the safety requirements are technically and economically feasible. That is the present law.

The question that needs to be asked is: The least cost to whom and at what cost to others? What is the least cost mandate protection of workers? Is the least cost mandate secondary to worker safety in order to limit cost to corporations? And then again, who decides?

Under the bill, some regulations could be delayed until the end of any litigation, the final determination in a lawsuit which, with trials and appeals, could take years. The bill prohibits the rules from going into effect until the end of the litigation. Now, normally, you can get an injunction, but that would require the court to consider the likelihood of success of the lawsuit and the potential harm done if the injunction is issued or not issued.

Under H.R. 5, rules could exceed the least cost alternative, but only if the agency demonstrates that the additional benefits outweigh the additional costs. This eliminates a well-established test under OSHA which requires "the most productive standard which is feasible," and that standard obviously just invites litigation which will delay the final rule for years.

The problem with the least cost framework is that it would tilt the playing field to ensure the least cost for industry but at the expense of workers and the American public. According to expert witnesses before the Judiciary Committee, this bill will add another 2 or 3 years to the regulatory process, and these delays will allow preventable injuries and occupational diseases to continue unabated.

Mr. Chairman, the premise behind this legislation is based on the erroneous assumption that regulations issued over the last 8 years have obstructed job growth; however, employment statistics do not bear this out. Since the end of the recession, the U.S. economy has gained almost 16 million jobs, while establishing the longest consecutive months of job growth on record.

I urge my colleagues to support the amendment to ensure that, even if the bill passes, OSHA and MSHA will be able to prevent or reduce the incidence of traumatic injury, cancer, and irreversible lung disease.

Mr. Chairman, I reserve the balance of my time.

Mr. MARINO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MARINO. Mr. Chairman, I certainly respect what my friend on the other side of the aisle has to say, but, again, I respectfully disagree.

Once again, my colleagues on the other side of the aisle would strike from the bill the Separation of Powers Restoration Act and the essential judicial review provisions of the Regulatory Accountability Act. That would have but one effect: to preserve the freedom to run riot that Washington bureaucrats have enjoyed for decades

as they have racked up roughly \$2 trillion in regulatory burdens on the American people.

The amendment also would exclude from title I's rulemaking reforms workplace safety rules issued by OSHA or the Mine Safety and Health Administration to reduce traumatic injury, cancer, or lung disease.

I would urge my colleagues to read the bill and listen more closely. The bill does nothing to prevent good rules in these areas. It will produce better rules, smarter rules, less costly rules. That will free up resources for desperately needed job creation, meaning more workers will have more safe workplaces in which to earn a living.

I urge my colleagues to oppose the amendment, and I reserve the balance of my time.

□ 1700

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this amendment will preserve the ability of the executive branch to promulgate rules, which will save lives and avoid preventable deaths and disease. A vote for the amendment is a vote for a safe workplace. I would hope that the amendment would be adopted and save lives.

Mr. Chairman, I yield back the balance of my time.

Mr. MARINO. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. SCOTT of Virginia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

#### AMENDMENT NO. 13 OFFERED BY MR. TONKO

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in part A of House Report 115-2.

Mr. TONKO. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 36, strike line 10 and all that follows through page 37, line 9.

Page 38, strike line 11 and all that follows through page 39, line 12.

Add, at the end of the bill, the following (and conform the table of contents accordingly):

#### TITLE VII—EXCEPTION FOR CERTAIN RULES

##### SEC. 701. EXCEPTION FOR CERTAIN RULES.

This Act, and the amendments made by this Act, shall not apply in the case of a rule (as such term is defined in section 551 of title 5, United States Code) made pursuant to the Frank R. Lautenberg Chemical Safety for the 21st Century Act, or the amendments made by that Act. The provisions of law amended by this Act, as in effect on the day

before the date of the enactment of this Act, shall apply to such rules.

The Acting CHAIR. Pursuant to House Resolution 33, the gentleman from New York (Mr. TONKO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. TONKO. Mr. Chair, last May, Democrats and Republicans came together to pass the first major environmental law in decades, the Frank R. Lautenberg Chemical Safety for the 21st Century Act. Before this reform, it had been widely acknowledged that the Toxic Substances Control Act, or TSCA, was broken. The law was hampered by litigation since shortly after it was passed in 1976, and was rendered almost completely ineffective.

It has only been 7 months since over 400 Members voted for this reform, which requires a number of new rulemakings by the EPA.

A primary motivation to reform TSCA was to remove procedural hurdles that were preventing the EPA from regulating dangerous chemicals. But the bill before us today would impose new, unnecessary obstacles in the rulemaking process, which will impede agencies that already are struggling with shrinking budgets and time constraints.

Even some of the Members that had concerns with TSCA reform, myself included, would agree that it is imperative that these rulemakings go forward efficiently in order to protect public health and to give the private sector the certainty that it asks for when it supported the reform effort.

Unlike 233 of my colleagues on the other side of the aisle, I did not vote for this bill; but I do firmly believe that the rulemakings required by this law must be done effectively and quickly. Unfortunately, the bill before us today would undermine that process. For the record, I do not believe any amendments will fix the underlying bill, and I hope my colleagues will oppose this bill later today.

While Congress has moved on to other priorities, the EPA has been hard at work implementing the law as Congress intended. Since being signed into law in June, the EPA has already put into place new processes to review new chemicals, which is exactly what this House instructed them to do.

A number of rulemakings will soon get underway focused on how the EPA prioritizes chemicals for evaluation and how it will conduct risk evaluations. Other rules regarding the EPA's chemical inventory and the process for collecting fees will also be needed.

The Members that worked on TSCA reform deferred many of these procedural decisions to the EPA because we lacked the expertise necessary to determine every detail of the most effective, streamlined regulatory process.

We are not toxicologists or chemists, so we empowered the scientists that do this work to receive public feedback

and create regulations, based on congressional intent, within a reasonable amount of time.

It is clear that an overwhelming number of Members of the House believe that the EPA needed these tools when we passed the Lautenberg bill to fix the EPA's chemical program. Let's not tie the agency's hands as it seeks effective implementation. We have seen what happens with a broken chemical safety law. Let's not go back to that.

I would also caution against the bill's requirement to choose the least costly regulatory option. People familiar with TSCA will know the term "least burdensome," which required the EPA to select the restriction that was demonstrated to be the least burdensome to address identified risks.

In practice, this requirement was so onerous that the EPA was not even able to restrict known carcinogens like asbestos. The Lautenberg bill ended this requirement. Let's not reinstate this problem for our agencies.

Personally, I do not believe my amendment goes far enough. We should exempt every major environmental law responsible for protecting Americans' air, water, and land from this bill.

We have seen in many cases that these rules do not hurt the economy. They protect public health and provide much greater benefits to society than costs.

Many of our bedrock environmental statutes require agencies to review and update their rules periodically. Members of Congress should not prevent an agency from simply doing the job that is required of it under the law.

But in terms of this amendment and TSCA reform, Congress knew exactly what would be asked of the EPA in order to carry out the Frank R. Lautenberg Chemical Safety for the 21st Century Act when we passed it by a vote of 403-12 just a few months ago. We cannot tell the EPA to do something and then tie its hands and expect it to get it done.

This amendment is simple. Do Members of this body want to give our regulatory agencies the tools they need to implement the laws that Congress has passed? And, in my view, it should not matter if these laws were passed 6 months ago or 60 years ago. Or should we make it more difficult to implement effective rulemakings, even when there is legislative consensus about the need for them?

Mr. Chair, I yield back the balance of my time.

Mr. MARINO. Mr. Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MARINO. Mr. Chair, one last time, my colleagues on the other side of the aisle would strike from the bill the Separation of Powers Restoration Act and the judicial review provisions of the Regulatory Accountability Act. One last time, that attempt should be rejected.

We need a strong judiciary, not a supine one, to stand up to agency overreach and abuse and protect the liberty and property of the America from the long hands of Washington's restless bureaucrats.

The amendment also would exclude from title I's rulemaking reforms rules issued under the Frank R. Lautenberg Chemical Safety for the 21st Century Act. Chemical safety is important to all of us. Congress worked hard on chemical safety legislation. But it is smarter regulations, supported by sounder science, at less cost that will best produce chemical safety under that act. That is precisely the kind of regulation that will happen once the 21st century rulemaking reforms in the Regulatory Accountability Act become law.

I urge my colleagues to oppose the amendment.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. TONKO).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. TONKO. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 14 OFFERED BY MR. GRIJALVA

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in part A of House Report 115-2.

Mr. GRIJALVA. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 42, strike line 7 and all that follows through line 3 on page 45.

The Acting CHAIR. Pursuant to House Resolution 33, the gentleman from Arizona (Mr. GRIJALVA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GRIJALVA. Mr. Chairman, today, this Republican Congress is taking a short break from trying to destroy our healthcare system to try to destroy the rest of the Federal Government.

H.R. 5 is nothing more than Republicans seeking to micromanage the regulatory process to death. They claim they only want good government. In reality, they want no government at all. They want to wrap Federal agencies in so much red tape that they won't be able to move to protect our health, our safety, or our natural resources.

Language in title III tries to prevent Federal land managers from actually managing Federal lands. This language would make land managers jump through the same procedural hoops

over and over again just to put a new land management plan in place. These new requirements are completely redundant, which is, of course, the point.

Federal land management plans already go through extensive review, including by the public, before they are ever even implemented. One way we know this is that the House Republicans complain constantly about how long it takes Federal agencies to come up with a decision. Yet, here they are claiming that this Republican Congress knows best how our public lands and resources should be managed.

Let's stop and look at the record. Last Tuesday, almost every single Republican Member of this House voted for a change in our House standing rules to calculate the value of all Federal lands as zero for accounting purposes. Yes, House Republicans agree that all Federal lands are essentially worthless.

Then, on Thursday of this week, 229 House Republicans voted against an amendment I offered to another bill to declare that climate change is real. Yes, 95 percent of House Republicans voted to deny a settled scientific fact.

Yet, here we are today with the same House Republicans who deny science; the same House Republicans who think public lands are worthless, claiming they know how to manage these public lands.

Science deniers and those who think our public lands have no value have no credibility when they bring legislation to this floor claiming that they want to improve public land management. As with health care, as with so many things, they don't want to improve it; they want to destroy it.

Congressional Republicans have proved themselves completely incapable of building or preserving anything. They are only interested in tearing things down, starting with health, safety, and environmental protections for our people and our communities.

This bill would needlessly tip the scales in favor of corporate polluters who want to be in power to ruin our public lands, taking the resources and the profits for themselves, leaving the American people with the mess and the consequences.

My amendment strikes the section of this bill intended to turn our public land management process into nothing more than a board meeting of the American Petroleum Institute.

I urge my colleagues to support my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CHABOT. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. CHABOT. Mr. Chairman, a long-standing position of the Chief Counsel for Advocacy of the Small Business Administration has been that land management plans developed by the Forest Service and by the Bureau of Land

Management are rules and that they are subject to analysis under the RFA. The same conclusion—that a land resource management plan is a rule—has been reached by the Government Accountability Office.

Given the potentially significant consequences to small businesses that rely on public lands and small communities that border those lands, the Forest Service and the Bureau of Land Management should assess the impacts of their plans on these small entities. That is all this does.

We are saying: How is this going to affect small businesses? Seventy percent of the new jobs created in America are created by small businesses? Should we care about what the bureaucrats are doing, how it affects those folks that are creating all these jobs?

Common sense says yes, we ought to do that.

This bill already includes a reform to prepare those agencies to prepare regulatory flexibility analyses when they are developing changes to resource management plans to determine how small businesses and small communities would be affected.

□ 1715

Striking this provision from the bill would do away with a needed reform for small businesses, such as farmers and ranchers and their small communities, especially those located in the Western United States, which contains the vast majority of Federal lands.

I would also note that my esteemed colleague talks about Republicans trying to destroy health care in this country. That is obviously absurd. We are trying to save health care. We are trying to make sure that Americans aren't forced to pay a heck of a lot more and have higher deductions, things they can't afford. Plans right now they are in, they are paying for plans and oftentimes get zero health care out of those plans because the deductibles are now so high under ObamaCare that they can't even use it.

I think there are a whole lot of people, when this was forced through this Congress on a purely partisan vote by my colleagues, the Democrats at that time, and by this President, there were a lot of Republicans who would have loved to have joined with them to do something to help people get health care who didn't have it. That is a worthy cause. But that could have been done without screwing up everybody else's health care in this country. That is what they failed to do when they did this. We are hoping, in a bipartisan way, we can work together to improve health care for lots of folks in this country. We will see if that is going to work out or not.

I would also note that there is nobody on this side of the aisle who thinks we need no government at all, we need no regulations, we need no rules; but we don't want to overregulate the job creators in this country so that they can't create jobs. Those jobs

that people don't get, those are real people; or people who get knocked out of that employment are real people, and they have families. We ought to be supporting them. Overregulation kills those jobs.

I would finally note, relative to climate change, what we are saying is that if we are going to do something, let's do it in a smart manner. Let's not try to save some things and then knock thousands, probably millions of Americans out of their jobs. There is a smart way of doing it and there is a wrong way of doing it. We would like to do it the smart way.

Mr. Chairman, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I appreciate the comments of my esteemed colleague. We have to get past the point where we are just talking about repeal. As the President so eloquently said last night, if there is something that is going to improve the health and well-being of the American people relative to the Affordable Care Act, then bring it forward. We all have been waiting patiently for the Republican majority to bring something forward that not only repeals but replaces. We are still waiting.

In terms of this amendment, the resource management plans are the backbone for every action and approved use on BLM land. It is about scoping. It is about public input, collaborative with State, local, tribal, and user groups across the spectrum, and that is the process that is in place now, a process that deserves to be continued, ratified, and protected.

As far as the issue of climate change, the President eloquently said last night that we should go forward on the issue of climate change, putting science and reason as a priority on how we have that discussion. Once the majority is prepared to deal with science and reason, I think our side of the aisle is willing to do so as well.

Mr. Chairman, I yield back the balance of my time.

Mr. CHABOT. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR (Mr. BYRNE). The question is on the amendment offered by the gentleman from Arizona (Mr. GRIJALVA).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GRIJALVA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

The Acting CHAIR. The Chair understands that amendment No. 15 will not be offered.

AMENDMENT NO. 16 OFFERED BY MR. POSEY

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in part A of House Report 115-2.

Mr. POSEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 75, line 3, strike "and" at the end.

Page 75, line 13, strike the period at the end and insert ";; and".

Page 75, insert after line 13 the following:

"(D) a list of all influential scientific information disseminated or expected to be disseminated by the agency relating to the rule, including any peer review plans for the information, including—

"(i) the date the information or peer review was or is expected to be received by the agency;

"(ii) the date the information or peer review was publically disclosed or is expected to be publically disclosed, and, if that date is altered in subsequent reports, a brief explanation for the change; and

"(iii) the Internet address of the information or peer review completed and disclosed or of where the information or peer review will be found, once completed and disclosed."

The Acting CHAIR. Pursuant to House Resolution 33, the gentleman from Florida (Mr. POSEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. POSEY. Mr. Chairman, my amendment is about transparency and accountability. I rise to urge my colleagues to support it.

When an agency decides to write a rule or revise an old one, they are sometimes required to share technical or scientific information to support their proposal. For many years, scientific research has relied upon the peer review process to ensure quality, integrity, and objectivity of published work. Peer review is when scientists open their research to the scrutiny of other experts in their field in order to receive feedback, criticism, and ensure their conclusions are sound.

Unfortunately, when peer reviews of information return unfavorable comments or raise unforeseen issues with the quality of work, some agencies have acted to silence or hide the critiques. This, of course, is bad science, and it results in bad public policy.

A recent example of this abuse occurred during a highly technical rulemaking proceeding in which an agency relied heavily upon a single study that many criticized as profoundly inadequate. The agency commissioned two peer reviews of the study, which were completed and returned 2 weeks into the comment period for the public. However, after both scholars submitted highly critical reviews that echoed the concerns of the many commentators, sadly, the agency withheld the release of their work to the public. When the agency finally did release the information as required by law, it was on the Friday that marked the very last day of the comment period as part of a massive document dump that buried the negative reviews.

The political cherry-picking of scientific information and manipulation of the public record harms both the

quality of Federal regulations as well as the overall integrity of the rulemaking proceeding. When Federal agencies distribute scientific research supporting a proposed rule, the public and those affected by it deserve to be certain that the science is of the highest quality and have a due process right to comment meaningfully on the rules the science intends to support.

My amendment will help protect this basic principle of good government and ensure fairness in Federal rulemaking by requiring that the public be provided with a clear timeline for disclosure of any influential scientific information. The amendment will also require agencies to offer an explanation if they revise the anticipated public release date of peer reviews. Simply put, the Federal agency will no longer be able to shield from the public view the existence of information that is central to evaluating a proposed rule.

We cannot continue to allow the Federal agencies to march toward a predetermined outcome at the expense of sound science and policy. I urge all of my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. TONKO. Mr. Chairman, I claim the time in opposition to the amendment offered by the gentleman from Florida.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. TONKO. Mr. Chairman, I oppose this amendment which requires that an agency publish a list of scientific information relating to a rule or expected to relate to the rule for each rule that an agency expects to propose for the following year. I am concerned that this amendment would create unintended consequences and operate as a one-way ratchet to slow down and stop the rulemaking process by requiring burdensome disclosures and creating options for procedural gridlock.

Agencies are already required to publish relevant data in support of a rule during these rulemaking processes. Rules that do not appear to be based on a reasoned analysis of relevant data may be vacated by reviewing courts as arbitrary or capricious. Moreover, data acquired through federally funded research is already accessible to researchers who have a legitimate purpose.

I am also concerned that because this amendment does not define scientific information or clarify the scope of this publication requirement, peer reviewed materials may be taken out of context or otherwise misused for political purposes. In so doing, this requirement may chill feedback in the scientific community, undermine agencies' ability to adopt the best rules possible, or otherwise manufacture delays in the rulemaking process.

Any additional requirements in this area should strengthen, rather than weaken, the process of science-based

rulemaking. Given these concerns, I urge my colleagues to oppose this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. POSEY. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Florida has 2 minutes remaining.

Mr. POSEY. Mr. Chairman, most members of the public don't know what a rule is. Rules are laws made by unelected and unaccountable bureaucrats.

We collected 4 years' worth of Daily Registers in my office. Those are executive orders, rules, proposed rules, changes to rules. I ask people how big they think the stack is. I get answers 4 feet, 6 feet, 7 feet. Well, actually, in 4 years' time, the stack was 7 stacks over my head—over 70 linear feet of laws made by unelectable, unaccountable people.

The public thinks we make the laws. Most of the laws we don't make. We allow unelected, unaccountable bureaucrats to make the laws; and the very least we can do to protect the public is ensure that we have transparency and accountability for their procedures, and that is exactly what this amendment does.

Mr. Chairman, before I close, I include in the RECORD a letter from a leading policy research institution that highlights the need for legislation like my amendment that will improve the public peer review process in our Federal agencies.

PHOENIX CENTER FOR ADVANCED  
LEGAL & ECONOMIC PUBLIC POLICY  
STUDIES,

Washington, DC, January 11, 2017.

Re Republic Peer Review.

Speaker PAUL RYAN,

Washington, DC.

Minority Leader NANCY PELOSI,

Washington, DC.

DEAR SPEAKER RYAN AND MINORITY LEADER PELOSI: As both of you know first-hand, developing and implementing good public policy is no easy task. The issues before regulatory agencies are often complex and technical, and therefore resolution benefits from input from the best minds both in and out of government. Yet, simply because someone writes a lengthy report on a particular topic does not automatically mean that their analysis is valid. No presumption of scientific legitimacy can be afforded when making good public policy. Instead, if policymakers are going to rely on a particular study, then that study deserves to be critiqued first via public peer review in a dispassionate manner to see if the prescriptions and findings hold up. This public peer review is exceedingly important when deciding controversial matters, particularly because reviewing courts are loath to second-guess expert administrative agency's policy decisions—choosing instead to limit themselves only to questions of law. (See, e.g., *USTelecom v. FCC*, 825 F.3d 674, 697 (D.C. Cir. 2016) (we do not “inquire whether ‘some or many economists would disapprove of the [agency’s] approach’ because ‘we do not sit as a panel of referees on a professional economics journal, but as a panel of generalist judges obliged to defer to a reasonable judgment by an agency acting pursuant to congressionally delegated authority.’”)) As such,

the peer review process allows the public to better hold government to account and results in more informed policymaking.

Unfortunately, while the Office of Management and Budget mandates peer review, many administrative agencies do not take the peer review process seriously. By way of example, I am attaching an op-ed I wrote in *The Hill* last year demonstrating how the Federal Communications Commission flagrantly violated the public's due process rights by hiding until the very last moments the highly-critical results of the agency's peer review of an outside economic study which the agency intended to be the foundational document to impose price regulation for Business Data Services. By any account, such behavior is not an example of “good” government. Legislation to improve the public peer review process at federal agencies is therefore both welcome and necessary.

Sincerely,

LAWRENCE J. SPIWAK,  
President, *The Phoenix Center.*

[From *The Hill*, July 7, 2016]

THE FCC'S LACK OF RESPECT FOR DUE  
PROCESS, PART II

(By Lawrence J. Spiwak)

Since Tom Wheeler took over the chairmanship of the Federal Communications Commission (FCC), we have seen one assault after another on American's procedural due process rights. In addition to the well-documented improprieties with the White House during the Open Internet debate, Wheeler, among other transgressions, has attempted to force nonprofits to reveal their donors in strict violation of Supreme Court precedent, hired advocates who had filed in significant FCC dockets as an interested party to come into the commission to supervise those very dockets, and attempted to hold a FCC “town hall” in which he had invited an outside party to participate and comment on a yet-to-be-released item during the “sunshine” period.

Wheeler is now at it again, this time in the context of the FCC's attempt to impose stringent price regulation for “business data services” (BDS). Let's look at this shameful timeline. Sometime last late last year, the FCC started working on a new regulatory framework for BDS. At the heart of the commission's new regulatory framework was an economic appendix prepared by an outside expert, Marc Rysman of Boston University.

On April 14, 2016, approximately two weeks before the FCC was to vote on the formal “Notice of Proposed Rulemaking” containing its proposed BDS regulatory framework, the agency requested outside peer review (as required by law) of the Rysman Appendix from Andrew Sweeting of the University of Maryland and Tommaso Valletti of Imperial College Business School (U.K.). Sweeting responded on April 26, 2016 (12 days after the peer review request); and Valletti responded on April 28, 2016 (14 days after the peer review request). Neither peer review was particularly kind to Rysman's analysis.

On April 28, 2016, the FCC voted on its “Notice of Proposed Rulemaking” to provide an aggressive new regulatory paradigm for BDS (hereinafter “BDS NPRM”). Due to editorial privileges, however, the FCC did not formally release the BDS NPRM until May 2, 2016. Although the commission had the Sweeting and Valletti critiques in hand during the editorial privilege window and could have incorporated them into the final BDS NPRM, the FCC declined. In fact, the FCC made no mention of either critique of the Rysman Appendix in its final BDS NPRM, choosing instead to keep the existence of the Sweeting and Valletti reviews secret from the public.

On June 28, 2016—almost two months to the day since the BDS NPRM was first voted upon and the very date initial comments were due the FCC finally made the existence of the Sweeting and Valletti peer reviews public. Adding to the commission's subterfuge, the agency chose the same day also: (1) to perform a massive data dump into the record; (2) to release an updated version of the Rysman Appendix; and (3) to introduce three new staff studies (the same staff which are charged with writing the final BDS rules) purporting to address, and ultimately correct, the shortcomings of the Rysman Appendix. In so doing, the FCC made sure that no one could address either these data or studies in their initial comments.

For those who care about the integrity of our government institutions, the FCC's constant disregard for due process is deeply troubling. As the D.C. Circuit recently wrote in *Association of American Railroads v. Department of Transportation* (2016):

No clause in our nation's Constitution has as ancient a pedigree as the guarantee that “[n]o person . . . shall be deprived of life, liberty, or property without due process of law.” U.S. CONST. amend. V. Its lineage reaches back to 1215 A.D.'s Magna Carta, which ensured that “[n]o freeman shall be . . . disseised of his . . . liberties, or . . . otherwise destroyed . . . but by lawful judgment of his peers, or by the law of the land.” Magna Carta, ch. 29, in 1 E. Coke, *The Second Part of the Institutes of the Laws of England* 45 (1797). Since the Fifth Amendment's ratification, one theme above all others has dominated the Supreme Court's interpretation of the Due Process Clause: fairness. *Id.* at 27.

Now to be clear, as Justice Benjamin Cardozo wrote in *Snyder v. Massachusetts* (1934), while “[d]ue process of law requires that the proceedings shall be fair . . . fairness is a relative, not an absolute, concept. It is fairness with reference to particular conditions or particular results.” That said, as the D.C. Circuit again affirmed just last month in *U.S. Telecom Association v. FCC*, it remains black-letter law that “[u]nder the [Administrative Procedure Act], an NPRM must ‘provide sufficient factual detail and rationale for the rule to permit interested parties to comment meaningfully.’”

As the FCC has by any reasonable account deprived parties with the opportunity to comment meaningfully upon the fundamental economic analysis and data upon which it intends to use to impose rate regulation for BDS, I think it is safe to argue that under even the broadest light, the agency's conduct in this case is a *prima facie* violation of procedural due process.

What is the FCC so afraid of? Is it truly scared to have substantive debate on the issues? Is the outcome so predetermined that it has to resort to kangaroo court tactics that would make North Korean leader Kim Jong-un proud? Indeed, it is a bit ironic (if not outright hypocritical) that while the FCC is doing everything it can to prevent meaningful comments about a highly complex topic, the Obama administration is doing everything in its power to create a culture which encourages robo-comments which offer up nothing substantive to the debate other than to promote ideological sophistry from both sides of the political spectrum. And we wonder why (rhetorically) the FCC is now regarded as an “economics-free zone,” as an AT&T executive noted?

Given the D.C. Circuit's recent proclivity to grant the FCC great deference, no matter how many liberties it may take, restoring the rule of law at the FCC will ultimately fall into the hands of Congress. Fortunately, the House Energy and Commerce Committee has scheduled yet another oversight hearing

next week with all five members of the Commission in attendance, where perhaps some sunlight can be used as a disinfectant. I therefore encourage the Commerce Committee members and staff—from both sides of the aisle—to do their homework, come to the hearing prepared, and call Chairman Wheeler out on the carpet.

Mr. POSEY. As the letter states: “No presumption of scientific legitimacy can be afforded when making good public policy.” Unfortunately, many administrative agencies make this assumption and do not take seriously the peer review process. For that reason, I once again urge my colleagues to support this good government proposal for transparency and accountability that will help protect the integrity of the Federal rulemaking process.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. POSEY).

The amendment was agreed to.

#### ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part A of House Report 115–2 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. GOODLATTE of Virginia.

Amendment No. 5 by Mr. PETERSON of Minnesota.

Amendment No. 8 by Ms. CASTOR of Florida.

Amendment No. 9 by Mr. CICILLINE of Rhode Island.

Amendment No. 10 by Mr. JOHNSON of Georgia.

Amendment No. 11 by Mr. RUIZ of California.

Amendment No. 12 by Mr. SCOTT of Virginia.

Amendment No. 13 by Mr. TONKO of New York.

Amendment No. 14 by Mr. GRIJALVA of Arizona.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

#### AMENDMENT NO. 1 OFFERED BY MR. GOODLATTE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 237, noes 185, not voting 12, as follows:

[Roll No. 35]

AYES—237

Abraham	Allen	Amodei
Aderholt	Amash	Arrington

Babin	Granger	Pearce
Bacon	Graves (GA)	Perlmutter
Banks (IN)	Graves (LA)	Perry
Barletta	Graves (MO)	Peterson
Barr	Griffith	Pittenger
Barton	Grothman	Poe (TX)
Bergman	Guthrie	Poliquin
Beutler	Harper	Posey
Biggs	Hartzler	Ratcliffe
Bilirakis	Hensarling	Reed
Bishop (MI)	Hice, Jody B.	Reichert
Bishop (UT)	Higgins (LA)	Renacci
Black	Hill	Rice (SC)
Blackburn	Holding	Roby
Blum	Hollingsworth	Roe (TN)
Bost	Hudson	Rogers (AL)
Brady (TX)	Huizenga	Rogers (KY)
Brat	Hultgren	Rohrabacher
Bridenstine	Hunter	Rokita
Brooks (AL)	Hurd	Rooney, Francis
Brooks (IN)	Issa	Rooney, Thomas J.
Buchanan	Jenkins (KS)	Ros-Lehtinen
Buck	Jenkins (WV)	Roskam
Bucshon	Johnson (LA)	Ross
Budd	Johnson (OH)	Rothfus
Burgess	Johnson, Sam	Rouzer
Byrne	Jones	Royce (CA)
Calvert	Jordan	Russell
Carter (GA)	Joyce (OH)	Rutherford
Carter (TX)	Katko	Sanford
Chabot	Kelly (MS)	Scalise
Chaffetz	Kelly (PA)	Schweikert
Cheney	King (IA)	Scott, Austin
Coffman	King (NY)	Sensenbrenner
Cole	Kinzinger	Sessions
Collins (GA)	Knight	Shimkus
Collins (NY)	Kustoff (TN)	Shuster
Comer	Labrador	Simpson
Comstock	LaHood	Smith (MO)
Conaway	LaMalfa	Smith (NE)
Cook	Lance	Smith (NJ)
Costa	Latta	Smith (TX)
Costello (PA)	Lewis (MN)	Smucker
Cramer	LoBiondo	Stefanik
Crawford	Long	Stewart
Culberson	Loudermilk	Stivers
Curbelo (FL)	Love	Taylor
Davidson	Lucas	Tenney
Davis, Rodney	Luetkemeyer	Thompson (PA)
Denham	MacArthur	Thornberry
Dent	Marchant	Tiberi
DeSantis	Marino	Tipton
DesJarlais	Marshall	Trott
Diaz-Balart	Massie	Turner
Donovan	Mast	Upton
Duffy	McCarthy	Valadao
Duncan (SC)	McCaul	Wagner
Duncan (TN)	McClintock	Walberg
Dunn	McHenry	Walden
Emmer	McKinley	Walker
Farenthold	McMorris	Walorski
Faso	Rodgers	Walters, Mimi
Ferguson	McSally	Weber (TX)
Fitzpatrick	Meadows	Webster (FL)
Fleischmann	Meehan	Wenstrup
Flores	Messer	Westerman
Fortenberry	Mitchell	Williams
Fox	Moolenaar	Wilson (SC)
Franks (AZ)	Mooney (WV)	Wittman
Frelinghuysen	Mullin	Womack
Gaetz	Murphy (PA)	Woodall
Gallagher	Newhouse	Yoder
Garrett	Noem	Yoho
Gibbs	Nunes	Young (AK)
Gohmert	Olson	Young (IA)
Goodlatte	Palazzo	Zeldin
Gosar	Palmer	
Gowdy	Paulsen	

#### NOES—185

Adams	Carbajal	Crowley
Agullar	Cárdenas	Cuellar
Barragán	Carson (IN)	Cummings
Bass	Cartwright	Davis (CA)
Beatty	Castor (FL)	Davis, Danny
Bera	Castro (TX)	DeFazio
Beyer	Chu, Judy	DeGette
Bishop (GA)	Ciçilline	Delaney
Blumenauer	Clark (MA)	DeLauro
Blunt Rochester	Clarke (NY)	DelBene
Bonamici	Clay	Demings
Boyle, Brendan F.	Clyburn	DeSaulnier
Brady (PA)	Cohen	Deutch
Brown (MD)	Connolly	Dingell
Brownley (CA)	Conyers	Doggett
Bustos	Cooper	Doyle, Michael F.
Butterfield	Correa	Ellison
Capuano	Courtney	Engel
	Crist	

Eshoo	Lewis (GA)	Roybal-Allard
Espallat	Lieu, Ted	Ruiz
Esty	Lipinski	Ruppersberger
Evans	Loebach	Sánchez
Foster	Loftgren	Sarbanes
Frankel (FL)	Lowenthal	Schakowsky
Fudge	Lowe	Schiff
Gabbard	Lujan Grisham, M.	Schneider
Gallego	Luján, Ben Ray	Schrader
Garamendi	Lynch	Scott (VA)
Gottheimer	Maloney,	Scott, David
Green, Al	Carolyn B.	Serrano
Green, Gene	Maloney, Sean	Sewell (AL)
Grijalva	Matsui	Shea-Porter
Gutiérrez	McCollum	Sherman
Hanabusa	McEachin	Sinema
Hastings	McGovern	Sires
Heck	McNerney	Slaughter
Higgins (NY)	Meeks	Smith (WA)
Himes	Meng	Soto
Hoyer	Moore	Speier
Huffman	Moulton	Suozi
Jackson Lee	Murphy (FL)	Swalwell (CA)
Jayapal	Nadler	Takano
Jeffries	Napolitano	Thompson (CA)
Johnson (GA)	Neal	Thompson (MS)
Johnson, E. B.	Nolan	Titus
Kaptur	Norcross	Tonko
Keating	O'Halleran	Torres
Kelly (IL)	O'Rourke	Tsongas
Kennedy	Pallone	Vargas
Khanna	Panetta	Veasey
Kihuen	Pascarell	Vela
Kildee	Payne	Velázquez
Kilmer	Peters	Visclosky
Kind	Pingree	Walz
Krishnamoorthi	Pocan	Wasserman
Kuster (NH)	Polis	Schultz
Langevin	Price (NC)	Waters, Maxine
Larsen (WA)	Quigley	Watson Coleman
Larson (CT)	Raskin	Welch
Lawrence	Rice (NY)	Wilson (FL)
Lawson (FL)	Richmond	Yarmuth
Lee	Rosen	
Levin		

#### NOT VOTING—12

Becerra	Lamborn	Price, Tom (GA)
Cleaver	Mulvaney	Rush
Gonzalez (TX)	Pelosi	Ryan (OH)
Harris	Pompeo	Zinke

#### ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining.

□ 1749

Messrs. VARGAS, THOMPSON of California, WELCH, JEFFRIES, O'HALLERAN, THOMPSON of Mississippi, Ms. BLUNT ROCHESTER, and Mr. PAYNE changed their vote from “aye” to “no.”

Mr. REED changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

#### AMENDMENT NO. 5 OFFERED BY MR. PETERSON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. PETERSON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 260, noes 161, not voting 13, as follows:



[Roll No. 36]

AYES—260

Abraham  
Aderholt  
Allen  
Amash  
Amodei  
Arrington  
Babin  
Bacon  
Banks (IN)  
Barletta  
Barr  
Barton  
Bera  
Bergman  
Beutler  
Biggs  
Bilirakis  
Bishop (MI)  
Bishop (UT)  
Black  
Blackburn  
Blum  
Bost  
Brady (TX)  
Brat  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Buchanan  
Buck  
Bucshon  
Budd  
Burgess  
Bustos  
Byrne  
Calvert  
Carter (GA)  
Carter (TX)  
Chabot  
Chaffetz  
Cheney  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Comer  
Comstock  
Conaway  
Cook  
Cooper  
Correa  
Costa  
Costello (PA)  
Cramer  
Crawford  
Crowley  
Cuellar  
Culberson  
Curbelo (FL)  
Davidson  
Davis, Rodney  
Delaney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Donovan  
Duffy  
Duncan (SC)  
Duncan (TN)  
Dunn  
Emmer  
Engel  
Farenthold  
Faso  
Ferguson  
Fleischmann  
Flores  
Fortenberry  
Foster  
Fox  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gabbard  
Gaetz  
Gallagher

Garrett  
Gibbs  
Gohmert  
Gonzalez (TX)  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (LA)  
Graves (MO)  
Griffith  
Grothman  
Guthrie  
Harper  
Hartzler  
Hensarling  
Hice, Jody B.  
Higgins (LA)  
Hill  
Himes  
Holding  
Hollingsworth  
Hudson  
Huffman  
Huizenga  
Hultgren  
Hunter  
Hurd  
Issa  
Jenkins (KS)  
Jenkins (WV)  
Johnson (LA)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Joyce (OH)  
Kaptur  
Katko  
Kelly (MS)  
Kelly (PA)  
King (IA)  
King (NY)  
Kinzinger  
Knight  
Kuster (NH)  
Kustoff (TN)  
Labrador  
LaHood  
Lance  
Latta  
Lewis (MN)  
Lipinski  
LoBiondo  
Long  
Loudermilk  
Love  
Lucas  
Luetkemeyer  
MacArthur  
Marchant  
Marino  
Marshall  
Massie  
Mast  
McCarthy  
McClintock  
McHenry  
McKinley  
McMorris  
Rodgers  
McSally  
Meehan  
Messer  
Mitchell  
Moolenaar  
Mooney (WV)  
Mullin  
Murphy (FL)  
Murphy (PA)  
Neal  
Newhouse  
Noem  
Nunes  
O'Halleran  
Olson  
Palazzo  
Palmer

Pascarell  
Paulsen  
Pearce  
Perlmutter  
Perry  
Peters  
Peterson  
Pittenger  
Poe (TX)  
Poliquin  
Posey  
Ratcliffe  
Reed  
Reichert  
Renacci  
Rice (SC)  
Roby  
Roe (TN)  
Rogers (KY)  
Rohrabacher  
Rooney, Francis  
Rooney, Thomas J.  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Rouzer  
Royce (CA)  
Ruppersberger  
Russell  
Sanford  
Scalise  
Schneider  
Schradler  
Schweikert  
Scott, Austin  
Scott, David  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Sinema  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Lance  
Smucker  
Stefanik  
Stewart  
Stivers  
Suozi  
Taylor  
Tenneny  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Trott  
Turner  
Upton  
Valadao  
Vela  
Wagner  
Walberg  
Walden  
Walker  
Walorski  
Walters, Mimi  
Walz  
Waters, Maxine  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westerman  
Williams  
Wilson (SC)  
Wittman  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IA)  
Zeldin

NOES—161

Adams  
Aguilar  
Barragan  
Bass  
Beatty  
Beyer

Bishop (GA)  
Blumenauer  
Blunt Rochester  
Bonamici  
Boyle, Brendan F.

Brady (PA)  
Brown (MD)  
Brownley (CA)  
Butterfield  
Capuano  
Carbajal

Cardenas  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu, Judy  
Cicilline  
Clark (MA)  
Clarke (NY)  
Clay  
Clyburn  
Cohen  
Connolly  
Conyers  
Courtney  
Crist  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
DeLauro  
DeBene  
Demings  
DeSaulnier  
Deutch  
Dingell  
Doggett  
Doyle, Michael F.  
Ellison  
Eshoo  
Espallat  
Esty  
Evans  
Fitzpatrick  
Frankel (FL)  
Gallego  
Garamendi  
Gottheimer  
Graves (GA)  
Green, Al  
Green, Gene  
Grijalva  
Gutiérrez  
Hanabusa  
Hastings  
Heck  
Higgins (NY)  
Hoyer

Jackson Lee  
Jayapal  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Keating  
Kelly (IL)  
Kennedy  
Khanna  
Kihuen  
Kildee  
Kilmer  
Kind  
Krishnamoorthi  
LaMalfa  
Langevin  
Larsen (WA)  
Larson (CT)  
Lawrence  
Lawson (FL)  
Lee  
Levin  
Lewis (GA)  
Lieu, Ted  
Loeb sack  
Lofgren  
Lowenthal  
Lowey  
Lujan Grisham, M.  
Luján, Ben Ray  
Lynch  
Maloney,  
Carolyn B.  
Maloney, Sean  
Matsui  
McCaul  
McCollum  
McEachin  
McGovern  
McNerney  
Meadows  
Meeks  
Meng  
Moore  
Moulton  
Nadler  
Napolitano  
Norcross  
O'Rourke

Pallone  
Panetta  
Payne  
Pingree  
Pocan  
Polis  
Price (NC)  
Quigley  
Raskin  
Rice (NY)  
Richmond  
Rogers (AL)  
Rokita  
Rosen  
Roybal-Allard  
Ruiz  
Sánchez  
Sarbanes  
Schakowsky  
Schiff  
Scott (VA)  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Sires  
Slaughter  
Smith (WA)  
Soto  
Speier  
Swellwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Titus  
Tonko  
Torres  
Tsongas  
Vargas  
Veasey  
Velázquez  
Visclosky  
Wasserman  
Schultz  
Watson Coleman  
Welch  
Wilson (FL)  
Yarmuth

NOT VOTING—13

Nolan  
Pelosi  
Pompeo  
Price, Tom (GA)  
Rush

Rutherford  
Ryan (OH)  
Zinke

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1755

Mr. NORCROSS changed his vote  
from “aye” to “no.”

Messrs. O'HALLERAN and SCHNEIDER  
changed their vote from “no” to  
“aye.”

So the amendment was agreed to.

The result of the vote was announced  
as above recorded.

Stated against:

Mr. CROWLEY. Mr. Speaker, during rollcall  
Vote No. 36, I mistakenly recorded my vote as  
“yes” when I should have voted “no.”

Mr. SOUZZI. Mr. Speaker, during rollcall  
Vote No. 36, I mistakenly recorded my vote as  
“yes” when I should have voted “no.”

AMENDMENT NO. 8 OFFERED BY MS. CASTOR OF  
FLORIDA

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentlewoman from Florida (Ms. CAS-  
TOR) on which further proceedings were  
postponed and on which the noes pre-  
vailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 189, noes 231,  
not voting 14, as follows:

[Roll No. 37]

AYES—189

Adams  
Aguilar  
Barragan  
Bass  
Beatty  
Bera  
Beyer  
Bishop (GA)  
Blumenauer  
Blunt Rochester  
Bonamici  
Boyle, Brendan F.  
Brady (PA)  
Brown (MD)  
Brownley (CA)  
Bustos  
Butterfield  
Capuano  
Carbajal  
Cardenas  
Carson (IN)  
Carterwright  
Castor (TX)  
Chu, Judy  
Cicilline  
Clark (MA)  
Clarke (NY)  
Clay  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Correa  
Costa  
Courtney  
Crist  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DeBene  
Demings  
DeSaulnier  
Deutch  
Dingell  
Doggett  
Doyle, Michael F.  
Ellison  
Engel  
Eshoo  
Espallat  
Esty  
Evans  
Foster  
Frankel (FL)  
Fudge

Gabbard  
Gallego  
Garamendi  
Gonzalez (TX)  
Gottheimer  
Green, Al  
Green, Gene  
Grijalva  
Gutiérrez  
Hanabusa  
Hastings  
Higgins (NY)  
Himes  
Hoyer  
Huffman  
Jackson Lee  
Jayapal  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Jones  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Khanna  
Kihuen  
Kildee  
Kilmer  
Kind  
Krishnamoorthi  
Kuster (NH)  
Langevin  
Larsen (WA)  
Larson (CT)  
Lawrence  
Lawson (FL)  
Lee  
Levin  
Lewis (GA)  
Lieu, Ted  
Lipinski  
Loeb sack  
Lofgren  
Lowenthal  
Lowey  
Lujan Grisham, M.  
Luján, Ben Ray  
Lynch  
Maloney,  
Carolyn B.  
Maloney, Sean  
Marchant  
Matsui  
McCollum  
McEachin  
McGovern  
McNerney  
Meeks  
Meng  
Moore  
Moulton  
Murphy (FL)

Nadler  
Napolitano  
Neal  
Nolan  
Norcross  
O'Halleran  
O'Rourke  
Pallone  
Pascarell  
Payne  
Perlmutter  
Peters  
Pingree  
Pocan  
Polis  
Price (NC)  
Quigley  
Raskin  
Rice (NY)  
Richmond  
Rosen  
Roybal-Allard  
Ruiz  
Ruppersberger  
Sánchez  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schradler  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Sinema  
Slaughter  
Smith (WA)  
Soto  
Speier  
Suozi  
Swellwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Titus  
Tonko  
Torres  
Tsongas  
Vargas  
Veasey  
Velázquez  
Visclosky  
Wasserman  
Schultz  
Waters, Maxine  
Watson Coleman  
Welch  
Wilson (FL)  
Yarmuth

NOES—231

Abraham  
Aderholt  
Allen  
Amash  
Amodei  
Arrington  
Babin  
Bacon  
Banks (IN)  
Barletta  
Barr  
Barton  
Bergman  
Beutler  
Biggs  
Bilirakis  
Bishop (MI)

Bishop (UT)  
Black  
Blackburn  
Blum  
Bost  
Brady (TX)  
Brat  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Buchanan  
Buck  
Bucshon  
Budd  
Burgess  
Byrne  
Calvert

Carter (GA)  
Carter (TX)  
Chabot  
Chaffetz  
Cheney  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Comer  
Comstock  
Conaway  
Cook  
Costello (PA)  
Cramer  
Crawford  
Culberson

Curbelo (FL) Kelly (PA)  
 Davidson King (IA)  
 Davis, Rodney King (NY)  
 Denham Kinzinger  
 Dent Knight  
 DeSantis Kustoff (TN)  
 DesJarlais Labrador  
 Diaz-Balart LaHood  
 Donovan LaMalfa  
 Duffy Lance  
 Duncan (SC) Latta  
 Duncan (TN) Lewis (MN)  
 Dunn LoBiondo  
 Emmer Long  
 Farenthold Loudermilk  
 Faso Love  
 Ferguson Lucas  
 Fitzpatrick Luetkemeyer  
 Fleischmann MacArthur  
 Flores Marino  
 Fortenberry Marshall  
 Foss Massie  
 Franks (AZ) Mast  
 Frelinghuysen McCarthy  
 Gaetz McCaul  
 Gallagher McClintock  
 Garrett McHenry  
 Gibbs McKinley  
 Gohmert McMorris  
 Gosar Rodgers  
 Gowdy McCally  
 Granger Meadows  
 Graves (GA) Meehan  
 Graves (LA) Messer  
 Graves (MO) Mitchell  
 Griffith Moolenaar  
 Grothman Mooney (WV)  
 Guthrie Mullin  
 Harper Murphy (PA)  
 Hartzler Newhouse  
 Hensarling Noem  
 Hice, Jody B. Nunes  
 Higgins (LA) Olson  
 Hill Palazzo  
 Holding Palmer  
 Hollingsworth Paulsen  
 Hudson Pearce  
 Huizenga Perry  
 Hultgren Peterson  
 Hunter Pittenger  
 Hurd Poe (TX)  
 Issa Poliquin  
 Jenkins (KS) Posey  
 Jenkins (WV) Ratcliffe  
 Johnson (LA) Reed  
 Johnson (OH) Reichert  
 Johnson, Sam Renacci  
 Jordan Rice (SC)  
 Joyce (OH) Roby  
 Katko Roe (TN)  
 Kelly (MS) Rogers (AL)

## NOT VOTING—14

Becerra Mulvaney  
 Cleaver Pelosi  
 Goodlatte Pompeo  
 Harris Price, Tom (GA)  
 Lamborn Rush

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
 There is 1 minute remaining.

□ 1759

So the amendment was rejected.

The result of the vote was announced  
 as above recorded.

Stated against:

Mr. GOODLATTE. Mr. Chair, I was unavoidably detained. Had I been present, I would have voted “nay” on rollcall No. 37.

## AMENDMENT NO. 9 OFFERED BY MR. CICILLINE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Rhode Island (Mr. CICILLINE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

Rogers (KY) Rohrabacher  
 Rokita  
 Rooney, Francis  
 Rooney, Thomas J.  
 Ros-Lehtinen  
 Roskam  
 Ross  
 Rothfus  
 Rouzer  
 Royce (CA)  
 Russell  
 Sanford  
 Scalise  
 Schweikert  
 Scott, Austin  
 Sensenbrenner  
 Sessions  
 Shimkus  
 Shuster  
 Simpson  
 Sires  
 Smith (MO)  
 Smith (NE)  
 Smith (NJ)  
 Smith (TX)  
 Smucker  
 Stefanik  
 Stewart  
 Taylor  
 Tenney  
 Thompson (PA)  
 Thornberry  
 Tiberi  
 Tipton  
 Trott  
 Turner  
 Upton  
 Valadao  
 Wagner  
 Walberg  
 Walden  
 Walker  
 Walorski  
 Walters, Mimi  
 Weber (TX)  
 Webster (FL)  
 Wenstrup  
 Westerman  
 Correa  
 Williams  
 Wilson (SC)  
 Wittman  
 Womack  
 Woodall  
 Yoder  
 Rice (CA)  
 Young (AK)  
 Young (IA)  
 Zeldin

RECORDED VOTE  
 The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 190, noes 232, not voting 12, as follows:

[Roll No. 38]

## AYES—190

Adams Gabbard  
 Aguilar Gallego  
 Barragán Garamendi  
 Bass Gonzalez (TX)  
 Beatty Gottheimer  
 Bera Green, Al  
 Beyer Green, Gene  
 Bishop (GA) Grijalva  
 Blumenauer Gutiérrez  
 Blunt Rochester Hanabusa  
 Bonamici Hastings  
 Boyle, Brendan Heck  
 Brady (PA) Higgins (NY)  
 Brown (MD) Himes  
 Brownley (CA) Hoyer  
 Bustos Huffman  
 Butterfield Jackson Lee  
 Capuano Jayapal  
 Carabajal Jeffries  
 Cárdenas Johnson (GA)  
 Carson (IN) Johnson, E. B.  
 Cartwright Jones  
 Castor (FL) Kaptur  
 Castro (TX) Keating  
 Chu, Judy Kelly (IL)  
 Cicilline Kennedy  
 Kihuen Khanna  
 Kildee Kilmer  
 Kilmer Schneider  
 Kind Schrader  
 Krishnamoorthi Scott (VA)  
 Kuster (NH) Scott, David  
 Langevin Serrano  
 Larsen (WA) Sewell (AL)  
 Larson (CT) Shea-Porter  
 Lawrence Sherman  
 Lawson (FL) Sinema  
 Lee Sires  
 Levin Slaughter  
 Lewis (GA) Smith (WA)  
 Lieu, Ted Soto  
 Lipinski Speier  
 Loebsack Suozzi  
 Lofgren Swalwell (CA)  
 Lowenthal Takano  
 Lowey Thompson (CA)  
 Lujan Grisham, Thompson (MS)  
 M. Titus  
 Luján, Ben Ray Tonko  
 Lynch Torres  
 Maloney, Tsongas  
 Carolyn B. Vargas  
 Maloney, Sean Veasey  
 Matsui Vela  
 McCollum Velázquez  
 McEachin Visclosky  
 McGovern Walz  
 McNeerney Wasserman  
 Meeks Schultz  
 Meng Waters, Maxine  
 Moore Watson Coleman  
 Moulton Welch  
 Murphy (FL) Wilson (FL)  
 Nadler Yarmuth

## NOES—232

Abraham Carter (GA)  
 Aderholt Carter (TX)  
 Allen Chabot  
 Amash Chaffetz  
 Amodei Cheney  
 Arrington Coffman  
 Babin Cole  
 Bacon Collins (GA)  
 Banks (IN) Collins (NY)  
 Barletta Comer  
 Barr Comstock  
 Barton Conaway  
 Bergman Cook  
 Beutler Costello (PA)  
 Biggs Cramer  
 Bilirakis Crawford  
 Bishop (MI) Culberson

Curbelo (FL) Kelly (MS)  
 Davidson Kelly (PA)  
 Davis, Rodney King (IA)  
 Denham King (NY)  
 Dent Kinzinger  
 DeSantis Knight  
 DesJarlais Kustoff (TN)  
 Diaz-Balart Labrador  
 Donovan LaHood  
 Duffy LaMalfa  
 Duncan (SC) Lance  
 Duncan (TN) Latta  
 Dunn Lewis (MN)  
 Emmer LoBiondo  
 Farenthold Russell  
 Faso Long  
 Ferguson Loudermilk  
 Fitzpatrick Love  
 Fleischmann Lucas  
 Flores Luetkemeyer  
 Fortenberry MacArthur  
 Foss Marchant  
 Franks (AZ) Marino  
 Frelinghuysen Marshall  
 Gaetz Massie  
 Gallagher McCarthy  
 Garrett McCaul  
 Gibbs McClintock  
 Gohmert McHenry  
 Goodlatte McKinley  
 Gosar McMorris  
 Gowdy Rodgers  
 Granger McCally  
 Graves (GA) Meadows  
 Graves (LA) Meehan  
 Graves (MO) Messer  
 Griffith Mitchell  
 Grothman Moolenaar  
 Guthrie Mooney (WV)  
 Harper Mullin  
 Hartzler Murphy (PA)  
 Hensarling Newhouse  
 Hice, Jody B. Noem  
 Higgins (LA) Nunes  
 Hill Olson  
 Holding Palazzo  
 Hollingsworth Palmer  
 Hudson Paulsen  
 Huizenga Pearce  
 Hultgren Perry  
 Hunter Pittenger  
 Hurd Poe (TX)  
 Issa Poliquin  
 Jenkins (KS) Posey  
 Jenkins (WV) Ratcliffe  
 Johnson (LA) Reed  
 Johnson (OH) Reichert  
 Johnson, Sam Renacci  
 Jordan Rice (SC)  
 Joyce (OH) Roby  
 Katko Roe (TN)

## NOT VOTING—12

Becerra Mulvaney  
 Cleaver Pelosi  
 Harris Pompeo  
 Lamborn Price, Tom (GA)

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
 There is 1 minute remaining.

□ 1802

So the amendment was rejected.

The result of the vote was announced  
 as above recorded.

## AMENDMENT NO. 10 OFFERED BY MR. JOHNSON OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. JOHNSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 188, noes 234, not voting 12, as follows:

[Roll No. 39]

#### AYES—188

Adams	Gabbard	Neal
Aguilar	Gallego	Nolan
Barragán	Garamendi	Norcross
Bass	Gonzalez (TX)	O'Halleran
Beatty	Gottheimer	O'Rourke
Bera	Green, Al	Pallone
Beyer	Green, Gene	Panetta
Bishop (GA)	Grijalva	Pascarell
Blumenauer	Gutiérrez	Payne
Blunt Rochester	Hanabusa	Perlmutter
Bonamici	Hastings	Peters
Boyle, Brendan	Heck	Pingree
F.	Higgins (NY)	Pocan
Brady (PA)	Himes	Polis
Brown (MD)	Hoyer	Price (NC)
Brownley (CA)	Huffman	Quigley
Bustos	Jackson Lee	Raskin
Butterfield	Jayapal	Rice (NY)
Capuano	Jeffries	Richmond
Carbajal	Johnson (GA)	Rosen
Cárdenas	Johnson, E. B.	Roybal-Allard
Carson (IN)	Kaptur	Ruiz
Cartwright	Keating	Ruppersberger
Castor (FL)	Kelly (IL)	Sánchez
Castro (TX)	Kennedy	Sarbanes
Chu, Judy	Khanna	Schakowsky
Ciçilline	Kihuen	Schiff
Clark (MA)	Kildee	Schneider
Clarke (NY)	Kilmer	Schrader
Clay	Kind	Scott (VA)
Clyburn	Krishnamoorthi	Scott, David
Cohen	Kuster (NH)	Serrano
Connolly	Langevin	Sewell (AL)
Conyers	Larsen (WA)	Shea-Porter
Cooper	Larson (CT)	Sherman
Correa	Lawrence	Sinema
Costa	Lawson (FL)	Sires
Courtney	Lee	Slaughter
Crist	Levin	Smith (WA)
Crowley	Lewis (GA)	Soto
Cuellar	Lieu, Ted	Speier
Cummings	Lipinski	Suozi
Davis (CA)	Loeback	Swalwell (CA)
Davis, Danny	Lofgren	Takano
DeFazio	Lowenthal	Thompson (CA)
DeGette	Lowe	Thompson (MS)
Delaney	Lujan Grisham,	Titus
DeLauro	M.	Tonko
DelBene	Luján, Ben Ray	Torres
Demings	Lynch	Tsongas
DeSaulnier	Maloney,	Vargas
Deutch	Carolyn B.	Veasey
Dingell	Maloney, Sean	Vela
Doggett	Matsui	Velázquez
Doyle, Michael	McCollum	Visclosky
F.	McEachin	Walz
Ellison	McGovern	Wasserman
Engel	McNerney	Schultz
Eshoo	Meeks	Waters, Maxine
Espallat	Meng	Watson Coleman
Esty	Moore	Welch
Evans	Moulton	Wilson (FL)
Foster	Murphy (FL)	Yarmuth
Frankel (FL)	Nadler	
Fudge	Napolitano	

#### NOES—234

Abraham	Brady (TX)	Comstock
Aderholt	Brat	Conaway
Allen	Bridenstine	Cook
Amash	Brooks (AL)	Costello (PA)
Amodei	Brooks (IN)	Cramer
Arrington	Buchanan	Crawford
Babin	Buck	Culberson
Bacon	Bucshon	Curbelo (FL)
Banks (IN)	Budd	Davidson
Barletta	Burgess	Davis, Rodney
Barr	Byrne	Denham
Barton	Calvert	Dent
Bergman	Carter (GA)	DeSantis
Beutler	Carter (TX)	DesJarlais
Biggs	Chabot	Diaz-Balart
Bilirakis	Chaffetz	Donovan
Bishop (MI)	Cheney	Duffy
Bishop (UT)	Coffman	Duncan (SC)
Black	Cole	Duncan (TN)
Blackburn	Collins (GA)	Dunn
Blum	Collins (NY)	Emmer
Bost	Comer	Farenthold

Faso	Lance	Rooney, Thomas
Ferguson	Latta	J.
Fitzpatrick	Lewis (MN)	Ros-Lehtinen
Fleischmann	LoBiondo	Roskam
Flores	Long	Ross
Fortenberry	Loudermilk	Rothfus
Fox	Love	Rouzer
Franks (AZ)	Lucas	Royce (CA)
Frelinghuysen	Luetkemeyer	Russell
Gaetz	MacArthur	Sanford
Gallagher	Marchant	Scalise
Garrett	Marino	Schweikert
Gibbs	Marshall	Scott, Austin
Gohmert	Massie	Sensenbrenner
Goodlatte	Mast	Sessions
Gosar	McCarthy	Shimkus
Gowdy	McCaul	Shuster
Granger	McClintock	Simpson
Graves (GA)	McHenry	Smith (MO)
Graves (LA)	McKinley	Smith (NE)
Graves (MO)	McMorris	Smith (NJ)
Griffith	Rodgers	Smith (TX)
Grothman	McSally	Smucker
Guthrie	Meadows	Stefanik
Harper	Meehan	Stewart
Hartzler	Messer	Stivers
Hensarling	Mitchell	Taylor
Hice, Jody B.	Moolenaar	Tenney
Higgins (LA)	Mooney (WV)	Thompson (PA)
Hill	Mullin	Thornberry
Holding	Murphy (PA)	Tiberi
Hollingsworth	Newhouse	Tipton
Hudson	Noem	Trott
Huizenga	Nunes	Turner
Hultgren	Olson	Upton
Hunter	Palazzo	Valadao
Hurd	Palmer	Wagner
Issa	Paulsen	Walberg
Jenkins (KS)	Pearce	Walden
Jenkins (WV)	Perry	Walker
Johnson (LA)	Peterson	Walorski
Johnson (OH)	Pittenger	Walters, Mimi
Johnson, Sam	Poe (TX)	Weber (TX)
Jones	Poliquin	Webster (FL)
Jordan	Posey	Wenstrup
Joyce (OH)	Ratcliffe	Westerman
Katko	Reed	Williams
Kelly (MS)	Reichert	Wilson (SC)
Kelly (PA)	Renacci	Wittman
King (IA)	Rice (SC)	Womack
King (NY)	Roby	Woodall
Kinzing	Roe (TN)	Yoder
Knight	Rogers (AL)	Yoho
Kustoff (TN)	Rogers (KY)	Young (AK)
Labrador	Rohrabacher	Young (IA)
LaHood	Rokita	Zeldin
LaMalfa	Rooney, Francis	

#### NOT VOTING—12

Becerra	Mulvaney	Rush
Cleaver	Pelosi	Rutherford
Harris	Pompeo	Ryan (OH)
Lamborn	Price, Tom (GA)	Zinke

#### ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1806

So the amendment was rejected. The result of the vote was announced as above recorded.

#### AMENDMENT NO. 11 OFFERED BY MR. RUIZ

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. RUIZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 190, noes 233, not voting 11, as follows:

[Roll No. 40]

#### AYES—190

Adams	Fudge	Nadler
Aguilar	Gabbard	Napolitano
Barragán	Gallego	Neal
Bass	Garamendi	Nolan
Beatty	Gonzalez (TX)	Norcross
Bera	Gottheimer	O'Halleran
Beyer	Green, Al	O'Rourke
Bishop (GA)	Green, Gene	Pallone
Blum	Grijalva	Panetta
Blumenauer	Gutiérrez	Pascarell
Blunt Rochester	Hanabusa	Payne
Bonamici	Hastings	Perlmutter
Boyle, Brendan	Heck	Peters
F.	Higgins (NY)	Pingree
Brady (PA)	Himes	Pocan
Brown (MD)	Hoyer	Polis
Brownley (CA)	Huffman	Price (NC)
Bustos	Jackson Lee	Quigley
Butterfield	Jayapal	Raskin
Capuano	Jeffries	Rice (NY)
Carbajal	Johnson (GA)	Richmond
Cárdenas	Johnson, E. B.	Rosen
Carson (IN)	Jones	Roybal-Allard
Cartwright	Kaptur	Ruiz
Castor (FL)	Keating	Ruppersberger
Castro (TX)	Kelly (IL)	Sánchez
Chu, Judy	Kennedy	Sarbanes
Ciçilline	Khanna	Schakowsky
Clark (MA)	Kihuen	Schiff
Clarke (NY)	Kildee	Schneider
Clay	Kilmer	Schrader
Clyburn	Kind	Scott (VA)
Cohen	Krishnamoorthi	Scott, David
Connolly	Kuster (NH)	Serrano
Conyers	Langevin	Sewell (AL)
Cooper	Larsen (WA)	Shea-Porter
Correa	Larson (CT)	Sherman
Costa	Lawrence	Sinema
Courtney	Lawson (FL)	Sires
Crist	Lee	Slaughter
Crowley	Levin	Smith (WA)
Cuellar	Lewis (GA)	Soto
Cummings	Lieu, Ted	Speier
Davis (CA)	Lipinski	Suozi
Davis, Danny	Loeback	Swalwell (CA)
DeFazio	Lofgren	Takano
DeGette	Lowenthal	Thompson (CA)
Delaney	Lowe	Thompson (MS)
DeLauro	Lujan Grisham,	Titus
DelBene	M.	Tonko
Demings	Luján, Ben Ray	Torres
DeSaulnier	Lynch	Tsongas
Deutch	Maloney,	Vargas
Dingell	Carolyn B.	Veasey
Doggett	Maloney, Sean	Vela
Doyle, Michael	Matsui	Velázquez
F.	McCollum	Visclosky
Ellison	McEachin	Walz
Engel	McGovern	Wasserman
Eshoo	McNerney	Schultz
Espallat	Meeks	Waters, Maxine
Esty	Meng	Watson Coleman
Evans	Moore	Welch
Foster	Moulton	Wilson (FL)
Frankel (FL)	Murphy (FL)	Yarmuth
Frankel (FL)	Murphy (FL)	

#### NOES—233

Abraham	Budd	Donovan
Aderholt	Burgess	Duffy
Allen	Byrne	Duncan (SC)
Amash	Calvert	Duncan (TN)
Amodei	Carter (GA)	Dunn
Arrington	Carter (TX)	Emmer
Babin	Chabot	Farenthold
Bacon	Chaffetz	Faso
Banks (IN)	Cheney	Ferguson
Barletta	Coffman	Fitzpatrick
Barr	Cole	Fleischmann
Barton	Collins (GA)	Flores
Bergman	Collins (NY)	Fortenberry
Beutler	Comer	Fox
Biggs	Comstock	Franks (AZ)
Bilirakis	Conaway	Frelinghuysen
Bishop (MI)	Cook	Gaetz
Bishop (UT)	Costello (PA)	Gallagher
Black	Cramer	Garrett
Blackburn	Crawford	Gibbs
Bost	Culberson	Gohmert
Brady (TX)	Curbelo (FL)	Goodlatte
Brat	Davidson	Gosar
Bridenstine	Davis, Rodney	Gowdy
Brooks (AL)	Denham	Granger
Brooks (IN)	Dent	Graves (GA)
Buchanan	DeSantis	Graves (LA)
Buck	DesJarlais	Graves (MO)
Bucshon	Diaz-Balart	Griffith

Grothman	McCarthy	Russell	[Roll No. 41]	Gowdy	Marino	Rouzer
Guthrie	McCaul	Sanford		Granger	Marshall	Royce (CA)
Harper	McClintock	Scalise	AYES—195	Graves (GA)	Massie	Russell
Hartzler	McHenry	Schweikert		Graves (LA)	Mast	Sanford
Hensarling	McKinley	Scott, Austin		Graves (MO)	McCarthy	Scalise
Hice, Jody B.	McMorris	Sensenbrenner		Griffith	McCaul	Schweikert
Higgins (LA)	Rodgers	Sessions		Grothman	McClintock	Scott, Austin
Hill	McSally	Shimkus		Guthrie	McHenry	Sensenbrenner
Holding	Meadows	Shuster		Harper	McMorris	Sessions
Hollingsworth	Meehan	Simpson		Hartzler	Rodgers	Shimkus
Hudson	Messer	Smith (MO)		Hensarling	McSally	Shuster
Huizenga	Mitchell	Smith (NE)		Hice, Jody B.	Meadows	Simpson
Hultgren	Moolenaar	Smith (NJ)		Higgins (LA)	Meehan	Smith (MO)
Hunter	Mooney (WV)	Smith (TX)		Hill	Messer	Smith (NE)
Hurd	Mullin	Smucker		Holding	Mitchell	Smith (NJ)
Issa	Murphy (PA)	Stefanik		Hollingsworth	Moolenaar	Smith (TX)
Jenkins (KS)	Newhouse	Stewart		Hudson	Mullin	Smucker
Jenkins (WV)	Noem	Stivers		Huizenga	Murphy (PA)	Stefanik
Johnson (LA)	Nunes	Taylor		Hultgren	Newhouse	Stewart
Johnson (OH)	Olson	Tenney		Hunter	Noem	Stivers
Johnson, Sam	Palazzo	Thompson (PA)		Hurd	Nunes	Taylor
Jordan	Palmer			Issa	Olson	Tenney
Joyce (OH)	Paulsen	Thornberry		Jenkins (KS)	Palazzo	Thompson (PA)
Katko	Pearce	Tiberi		Johnson (LA)	Palmer	Thornberry
Kelly (MS)	Perry	Tipton		Johnson (OH)	Paulsen	Tiberi
Kelly (PA)	Peterson	Trott		Johnson, Sam	Pearce	Trott
King (IA)	Pittenger	Turner		Jordan	Perry	Turner
King (NY)	Poe (TX)	Upton		Joyce (OH)	Peterson	Turner
Kinzing	Poliquin	Valadao		Katko	Pittenger	Upton
Knight	Posey	Wagner		Kelly (MS)	Poe (TX)	Valadao
Kustoff (TN)	Ratcliffe	Walberg		Kelly (PA)	Poliquin	Wagner
Labrador	Reed	Walden		King (IA)	Posey	Walberg
LaHood	Reichert	Walker		King (NY)	Ratcliffe	Walden
LaMalfa	Renacci	Walorski		Kinzing	Reed	Walorski
Lamborn	Rice (SC)	Walters, Mimi		Knight	Reichert	Walters, Mimi
Lance	Roby	Weber (TX)		Kustoff (TN)	Renacci	Weber (TX)
Latta	Roe (TN)	Webster (FL)		Labrador	Rice (SC)	Webster (FL)
Lewis (MN)	Rogers (AL)	Wenstrup		LaHood	Roby	Wenstrup
LoBiondo	Rogers (KY)	Westerman		LaMalfa	Roe (TN)	Westerman
Long	Rohrabacher	Williams		Lamborn	Rogers (AL)	Williams
Loudermilk	Rokita	Wilson (SC)		Latta	Rogers (KY)	Wilson (SC)
Love	Rooney, Francis	Wittman		Lewis (MN)	Rohrabacher	Wittman
Lucas	Rooney, Thomas	Womack		LoBiondo	Rokita	Womack
Luetkemeyer	J.	Woodall		Long	Rooney, Francis	Woodall
MacArthur	Ros-Lehtinen	Yoder		Loudermilk	Rooney, Thomas	Yoder
Marchant	Roskam	Yoho		Love	J.	Yoho
Marino	Ross	Young (AK)		Lucas	Ros-Lehtinen	Young (AK)
Marshall	Rothfus	Young (IA)		Luetkemeyer	Roskam	Young (IA)
Massie	Rouzer	Zeldin		MacArthur	Ross	Young (IA)
Mast	Royce (CA)			Marchant	Rothfus	Zeldin

## NOT VOTING—11

Becerra	Pelosi	Rutherford
Cleaver	Pompeo	Ryan (OH)
Harris	Price, Tom (GA)	Zinke
Mulvaney	Rush	

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1811

So the amendment was rejected.

The result of the vote was announced  
as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. SCOTT OF  
VIRGINIA

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentleman from Virginia (Mr. SCOTT)  
on which further proceedings were  
postponed and on which the noes pre-  
vailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a  
2-minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 195, noes 227,  
not voting 12, as follows:

Adams	Gallo	Nadler
Aguiar	Garamendi	Napolitano
Barragán	Gonzalez (TX)	Neal
Bass	Gottheimer	Nolan
Beatty	Green, Al	Norcross
Bera	Green, Gene	O'Halleran
Beyer	Grijalva	O'Rourke
Bishop (GA)	Gutiérrez	Pallone
Blum	Hanabusa	Panetta
Blumenauer	Hastings	Pascarell
Blunt Rochester	Heck	Payne
Bonamici	Higgins (NY)	Perlmutter
Boyle, Brendan	Himes	Peters
F.	Hoyer	Pingree
Brady (PA)	Huffman	Pocan
Brown (MD)	Jackson Lee	Polis
Brownley (CA)	Jayapal	Price (NC)
Bustos	Jeffries	Quigley
Butterfield	Jenkins (WV)	Raskin
Capuano	Johnson (GA)	Rice (NY)
Carbajal	Johnson, E. B.	Richmond
Cárdenas	Jones	Rosen
Carson (IN)	Kaptur	Roybal-Allard
Cartwright	Keating	Ruiz
Castor (FL)	Kelly (IL)	Ruppersberger
Castro (TX)	Kennedy	Sánchez
Chu, Judy	Khanna	Sarbanes
Cicilline	Kihuen	Schakowsky
Clark (MA)	Kildee	Schiff
Clarke (NY)	Kilmer	Schneider
Clay	Kind	Schrader
Clyburn	Krishnamoorthi	Scott (VA)
Cohen	Kuster (NH)	Scott, David
Connolly	Lance	Serrano
Conyers	Langevin	Sewell (AL)
Cooper	Larsen (WA)	Shea-Porter
Correa	Larson (CT)	Sherman
Costa	Lawrence	Sinema
Courtney	Lawson (FL)	Sires
Crist	Lee	Slaughter
Crowley	Levin	Smith (WA)
Cuellar	Lewis (GA)	Soto
Cummings	Lieu, Ted	Speier
Davis (CA)	Lipinski	Suozi
Davis, Danny	Loeb sack	Swalwell (CA)
DeFazio	Lofgren	Takano
DeGette	Lowenthal	Thompson (CA)
Delaney	Lowe	Thompson (MS)
DeLauro	Lujan Grisham,	
DelBene	M.	
Demings	Luján, Ben Ray	
DeSaulnier	Lynch	
Deutch	Maloney,	
Dingell	Carolyn B.	
Doggett	Maloney, Sean	
Doyle, Michael	Matsui	
F.	McCollum	
Ellison	McEachin	
Engel	McGovern	
Eshoo	McKinley	
Espallat	McNerney	
Esty	Meeks	
Evans	Meng	
Foster	Mooney (WV)	
Frankel (FL)	Moore	
Fudge	Moulton	
Gabbard	Murphy (FL)	

## NOES—227

Abraham	Buck
Aderholt	Bucshon
Allen	Budd
Amash	Burgess
Amodei	Byrne
Arrington	Calvert
Babin	Carter (GA)
Bacon	Carter (TX)
Banks (IN)	Chabot
Barletta	Chaffetz
Barr	Cheney
Barton	Coffman
Bergman	Cole
Beutler	Collins (GA)
Biggs	Collins (NY)
Bilirakis	Comer
Bishop (MI)	Comstock
Bishop (UT)	Conaway
Black	Cook
Blackburn	Costello (PA)
Bost	Cramer
Brady (TX)	Crawford
Brat	Culberson
Bridenstine	Curbelo (FL)
Brooks (AL)	Davidson
Brooks (IN)	Davis, Rodney
Buchanan	Denham

Dent	Waters, Maxine
DeSantis	Watson Coleman
DesJarlais	Welch
Diaz-Balart	Wilson (FL)
Donovan	Yarmuth
Duffy	
Duncan (SC)	
Duncan (TN)	
Dunn	
Emmer	
Farenthold	
Faso	
Ferguson	
Fitzpatrick	
Fleischmann	
Flores	
Fortenberry	
Fox	
Franks (AZ)	
Frelinghuysen	
Gaetz	
Gallagher	
Garrett	
Gibbs	
Gohmert	
Goodlatte	
Gosar	

## NOT VOTING—12

Becerra	Pelosi	Rutherford
Cleaver	Pompeo	Ryan (OH)
Harris	Price, Tom (GA)	Walker
Mulvaney	Rush	Zinke

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1816

Mr. MOONEY of West Virginia  
changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced  
as above recorded.

AMENDMENT NO. 13 OFFERED BY MR. TONKO

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentleman from New York (Mr. TONKO)  
on which further proceedings were  
postponed and on which the noes pre-  
vailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 188, noes 235,  
not voting 11, as follows:

[Roll No. 42]

## AYES—188

Adams Gabbard Neal  
 Aguilar Gallego Nolan  
 Barragán Garamendi Norcross  
 Bass Gonzalez (TX) O'Halleran  
 Beatty Gottheimer O'Rourke  
 Bera Green, Al Pallone  
 Beyer Green, Gene Panetta  
 Bishop (GA) Grijalva Pascarell  
 Blumenauer Gutiérrez Payne  
 Blunt Rochester Hanabusa Perlmutter  
 Bonamici Hastings Peters  
 Boyle, Brendan Heck Pingree  
 F. Higgins (NY) Pocan  
 Brady (PA) Himes Polis  
 Brown (MD) Hoyer Price (NC)  
 Brownley (CA) Huffman Quigley  
 Bustos Jackson Lee Raskin  
 Butterfield Jayapal Rice (NY)  
 Capuano Jeffries Richmond  
 Carbajal Johnson (GA) Rosen  
 Cárdenas Johnson, E. B. Roybal-Allard  
 Carson (IN) Kaptur Ruiz  
 Cartwright Keating Ruppertsberger  
 Castor (FL) Kelly (IL) Sánchez  
 Castro (TX) Kennedy Sarbanes  
 Chu, Judy Khanna Schakowsky  
 Cicilline Kihuen Schiff  
 Clark (MA) Kildee Schneider  
 Clarke (NY) Kilmer Schrader  
 Clay Kind Scott (VA)  
 Clyburn Krishnamoorthi Scott, David  
 Cohen Kuster (NH) Serrano  
 Connolly Langevin Larsen (WA)  
 Conyers Larsen (CT)  
 Cooper Lawrence  
 Correa Lawson (FL)  
 Costa Lee  
 Courtney Levin  
 Crist Lewis (GA)  
 Crowley Lieu, Ted  
 Cuellar Lipinski  
 Cummings Davis (CA)  
 Davis, Danny Lofgren  
 DeFazio Lowenthal  
 DeGette Lowey  
 Delaney Lujan Grisham,  
 DeLauro M.  
 DelBene Luján, Ben Ray  
 Demings Lynch  
 DeSaulnier Maloney,  
 Deutch Carolyn B.  
 Dingell Maloney, Sean  
 Doggett Matsui  
 Doyle, Michael McCollum  
 F. McEachin  
 Ellison McGovern  
 Engel McNerney  
 Eshoo Meeks  
 Espallat Meng  
 Esty Moore  
 Evans Moulton  
 Foster Murphy (FL)  
 Frankel (FL) Nadler  
 Fudge Napolitano

## NOES—235

Abraham Bucshon Diaz-Balart  
 Aderholt Budd Donovan  
 Allen Burgess Duffy  
 Amash Byrne Duncan (SC)  
 Amodei Calvert Duncan (TN)  
 Arrington Carter (GA)  
 Babin Carter (TX)  
 Bacon Chabot  
 Banks (IN) Chaffetz  
 Barletta Cheney  
 Barr Coffman  
 Barton Cole  
 Bergman Collins (GA)  
 Beutler Collins (NY)  
 Biggs Comer  
 Bilirakis Comstock  
 Bishop (MI) Conaway  
 Bishop (UT) Cook  
 Black Costello (PA)  
 Blackburn Cramer  
 Blum Crawford  
 Bost Culberson  
 Brady (TX) Curbelo (FL)  
 Brat Davidson  
 Bridenstine Davis, Rodney  
 Brooks (AL) Denham  
 Brooks (IN) Dent  
 Buchanan DeSantis  
 Buck DesJarlais

Diaz-Balart  
 Donovan  
 Duffy  
 Duncan (SC)  
 Duncan (TN)  
 Dunn  
 Emmer  
 Farenthold  
 Faso  
 Ferguson  
 Fitzpatrick  
 Fleischmann  
 Flores  
 Fortenberry  
 Foxx  
 Franks (AZ)  
 Frelinghuysen  
 Gaetz  
 Gallagher  
 Garrett  
 Gibbs  
 Gohmert  
 Goodlatte  
 Gosar  
 Gowdy  
 Granger  
 Graves (GA)  
 Graves (LA)  
 Graves (MO)

Griffith  
 Grothman  
 Guthrie  
 Harper  
 Hartzler  
 Hensarling  
 Hice, Jody B.  
 Higgins (LA)  
 Hill  
 Holding  
 Hollingsworth  
 Hudson  
 Huizenga  
 Hultgren  
 Hunter  
 Hurd  
 Issa  
 Jenkins (KS)  
 Jenkins (WV)  
 Johnson (LA)  
 Johnson (OH)  
 Johnson, Sam  
 Jones  
 Jordan  
 Joyce (OH)  
 Katko  
 Kelly (MS)  
 Kelly (PA)  
 King (IA)  
 King (NY)  
 Kinzinger  
 Knight  
 Kustoff (TN)  
 Labrador  
 LaHood  
 LaMalfa  
 Lamborn  
 Lance  
 Latta  
 Lewis (MN)  
 LoBiondo  
 Long  
 Loudermilk  
 Love  
 Lucas  
 Luetkemeyer  
 MacArthur  
 Marchant  
 Marino  
 Marshall

Becerra  
 Cleaver  
 Harris  
 Mulvaney

Massie  
 Mast  
 McCarthy  
 McCaul  
 McClintock  
 McHenry  
 McKinley  
 McMorris  
 Rodgers  
 McSally  
 Meadows  
 Meehan  
 Messer  
 Mitchell  
 Moolenaar  
 Mooney (WV)  
 Mullin  
 Murphy (PA)  
 Newhouse  
 Noem  
 Nunes  
 Olson  
 Palazzo  
 Palmer  
 Paulsen  
 Pearce  
 Perry  
 Peterson  
 Pittenger  
 Poe (TX)  
 Poliquin  
 Posey  
 Ratcliffe  
 Reed  
 Reichert  
 Renacci  
 Rice (SC)  
 Roby  
 Roe (TN)  
 Rogers (AL)  
 Rogers (KY)  
 Rohrabacher  
 Rokita  
 Rooney, Francis  
 Rooney, Thomas  
 J.  
 Ros-Lehtinen  
 Roskam  
 Ross  
 Rothfus

NOT VOTING—11  
 Pelosi  
 Pompeo  
 Price, Tom (GA)  
 Rush  
 Rutherford  
 Ryan (OH)  
 Zinke

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
 There is 1 minute remaining.

□ 1820

So the amendment was rejected.  
 The result of the vote was announced  
 as above recorded.

## AMENDMENT NO. 14 OFFERED BY MR. GRIJALVA

The Acting CHAIR. The unfinished  
 business is the demand for a recorded  
 vote on the amendment offered by the  
 gentleman from Arizona (Mr. GRI-  
 JALVA) on which further proceedings  
 were postponed and on which the noes  
 prevailed by voice vote.

The Clerk will redesignate the  
 amendment.

The Clerk redesignated the amend-  
 ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
 has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-  
 minute vote.

The vote was taken by electronic de-  
 vice, and there were—ayes 185, noes 236,  
 not voting 13, as follows:

[Roll No. 43]  
 AYES—185  
 Adams  
 Aguilar  
 Barragán  
 Bass  
 Beatty  
 Bera

Rouzer  
 Royce (CA)  
 Russell  
 Sanford  
 Scalise  
 Schweikert  
 Scott, Austin  
 Sensenbrenner  
 Sessions  
 Shimkus  
 Shuster  
 Simpson  
 Smith (MO)  
 Smith (NE)  
 Smith (NJ)  
 Smith (TX)  
 Smucker  
 Stefanik  
 Stewart  
 Stivers  
 Taylor  
 Tenney  
 Thompson (PA)  
 Thornberry  
 Tiberi  
 Tipton  
 Trott  
 Turner  
 Upton  
 Valadao  
 Wagner  
 Walberg  
 Walden  
 Walker  
 Walorski  
 Walters, Mimi  
 Weber (TX)  
 Webster (FL)  
 Wenstrup  
 Westerman  
 Williams  
 Wilson (SC)  
 Wittman  
 Womack  
 Woodall  
 Yoder  
 Yoho  
 Young (AK)  
 Young (IA)  
 Zeldin

## NOES—236

Abraham  
 Aderholt  
 Allen  
 Amash  
 Amodei  
 Arrington  
 Babin  
 Bacon  
 Banks (IN)  
 Barletta  
 Barr  
 Barton  
 Bergman  
 Beutler  
 Biggs  
 Bilirakis  
 Bishop (MI)  
 Bishop (UT)  
 Black  
 Blackburn  
 Blum  
 Bost  
 Brady (TX)  
 Brat  
 Bridenstine  
 Brooks (AL)  
 Brooks (IN)  
 Buchanan  
 Buck  
 Bucshon  
 Budd  
 Burgess  
 Byrne  
 Calvert  
 Carter (GA)  
 Carter (TX)  
 Chabot  
 Chaffetz  
 Cheney  
 Coffman  
 Cole  
 Collins (GA)  
 Collins (NY)  
 Comer  
 Comstock  
 Conaway  
 Cook  
 Costa  
 Costello (PA)  
 Cramer  
 Crawford  
 Culberson  
 Curbelo (FL)  
 Davidson  
 Davis, Rodney  
 Denham  
 Dent  
 DeSantis  
 Diaz-Balart  
 Donovan  
 Duffy  
 Duncan (SC)  
 Duncan (TN)  
 Dunn  
 Emmer  
 Farenthold  
 Faso  
 Ferguson  
 Fitzpatrick  
 Fleischmann  
 Flores  
 Fortenberry  
 Foxx  
 Franks (AZ)  
 Frelinghuysen  
 Gaetz  
 Gallagher  
 Garrett  
 Gibbs  
 Gohmert  
 Goodlatte  
 Gosar  
 Gowdy  
 Granger  
 Graves (GA)  
 Graves (LA)  
 Graves (MO)  
 Griffith  
 Grothman  
 Guthrie  
 Hartzler  
 Hensarling  
 Hice, Jody B.  
 Higgins (LA)  
 Hill  
 Holding  
 Hollingsworth  
 Hudson  
 Huizenga  
 Hultgren  
 Hunter  
 Hurd  
 Issa  
 Jenkins (KS)  
 Johnson (GA)  
 Johnson, E. B.  
 Kaptur  
 Keating  
 Kelly (IL)  
 Kennedy  
 Khanna  
 Kihuen  
 Kildee  
 Sarbanes  
 Schakowsky  
 Schiff  
 Schneider  
 Schrader  
 Scott (VA)  
 Scott, David  
 Serrano  
 Sewell (AL)  
 Shea-Porter  
 Sherman  
 Sinema  
 Sires  
 Slaughter  
 Smith (WA)  
 Soto  
 Speier  
 Suozzi  
 Swallow (CA)  
 Takano  
 Thompson (CA)  
 Thompson (MS)  
 Titus  
 Tonko  
 Torres  
 Tsongas  
 Vargas  
 Veasey  
 Vela  
 Velázquez  
 Visclosky  
 Walz  
 Wasserman  
 Schultz  
 Waters, Maxine  
 Watson Coleman  
 Welch  
 Wilson (FL)  
 Yarmuth

Jenkins (WV)	Mitchell	Sessions
Johnson (LA)	Moolenaar	Shimkus
Johnson (OH)	Mooney (WV)	Shuster
Johnson, Sam	Mullin	Simpson
Jones	Murphy (PA)	Sinema
Jordan	Newhouse	Smith (MO)
Joyce (OH)	Noem	Smith (NE)
Katko	Nunes	Smith (NJ)
Kelly (MS)	Olson	Smith (TX)
Kelly (PA)	Palazzo	Smucker
King (IA)	Palmer	Stefanik
King (NY)	Paulsen	Stewart
Kinzinger	Pearce	Stivers
Knight	Perry	Taylor
Kustoff (TN)	Peterson	Tenney
Labrador	Pittenger	Thompson (PA)
LaHood	Poe (TX)	Thornberry
LaMalfa	Poliquin	Tiberi
Lamborn	Posey	Tipton
Lance	Ratcliffe	Trott
Latta	Reed	Turner
Lewis (MN)	Reichert	Upton
LoBiondo	Renacci	Valadao
Long	Rice (SC)	Wagner
Loudermilk	Roby	Walberg
Love	Roe (TN)	Walden
Lucas	Rogers (AL)	Walker
Luetkemeyer	Rogers (KY)	Walorski
MacArthur	Rohrabacher	Walters, Mimi
Marchant	Rokita	Weber (TX)
Marino	Rooney, Francis	Webster (FL)
Marshall	Rooney, Thomas	J.
Massie	Ros-Lehtinen	Wenstrup
Mast	Roskam	Westerman
McCarthy	Roskam	Williams
McCaul	Ross	Wilson (SC)
McClintock	Rothfus	Wittman
McHenry	Rouzer	Womack
McKinley	Royce (CA)	Woodall
McMorris	Russell	Yoder
Rodgers	Sanford	Yoho
McSally	Scalise	Young (AK)
Meadows	Schweikert	Young (IA)
Meehan	Scott, Austin	Zeldin
Messer	Sensenbrenner	

## NOT VOTING—13

Becerra	Mulvaney	Rutherford
Cleaver	Pelosi	Ryan (OH)
DeGette	Pompeo	Zinke
DesJarlais	Price, Tom (GA)	
Harris	Rush	

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1824

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HULTGREN) having assumed the chair, Mr. BYRNE, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5) to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents, to clarify the nature of judicial review of agency interpretations, to ensure complete analysis of potential impacts on small entities of rules, and for other purposes, and, pursuant to House Resolution 33, he reported the bill back to the House with sundry amendments adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

## MOTION TO RECOMMIT

Mrs. DEMINGS. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. DEMINGS. I am opposed to the bill in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. Demings moves to recommit the bill H.R. 5 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Page 36, strike line 10 and all that follows through page 37, line 9.

Page 38, strike line 11 and all that follows through page 39, line 12.

Add, at the end of the bill, the following (and conform the table of contents accordingly):

**TITLE VII—PROTECTING ACCESS TO AFFORDABLE PRESCRIPTION DRUGS FOR AMERICANS OVER THE AGE OF 65**

**SEC. 701. PROTECTING ACCESS TO AFFORDABLE PRESCRIPTION DRUGS FOR AMERICANS OVER THE AGE OF 65.**

This Act, and the amendments made by this Act, shall not apply in the case of a rule (as such term is defined in section 551 of title 5, United States Code), pertaining to the provision of health and financial security for persons ages 65 and over by significantly reducing out-of-pocket medication costs for prescription drugs for plans under the Medicare program under part D of title XVIII of the Social Security Act (42 U.S.C. 1395w-101 et seq.), regardless of the person's income, medical history, or health status. The provisions of law amended by this Act, as in effect on the day before the date of the enactment of this Act, shall apply to such rules.

Mr. MARINO (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida is recognized for 5 minutes in support of her motion.

Mrs. DEMINGS. Mr. Speaker, this is the final amendment to the bill which will not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to final passage, as amended.

Mr. Speaker, throughout my 27 years of law enforcement experience, I protected and served my community, and I stand here today to protect the most vulnerable of seniors in central Florida, and seniors all around this Nation.

We have a responsibility to see that seniors are not put in a position where they will have to choose between buying food or buying their medication, which was the case before the Affordable Care Act. We must resist all efforts to reopen the Medicare part D

prescription drug coverage doughnut hole. This doughnut hole required seniors to pay full price for their prescription drugs after they reach their catastrophic threshold.

Research found, because of this doughnut hole, seniors would put their health at risk because they could not afford to pay the prescriptions, which ultimately lead to higher healthcare costs. Because of the Affordable Care Act, this doughnut hole is being completely phased out of the Medicare part D prescription drug program by the year 2020.

Since the ACA passed in 2010, closing the doughnut hole has saved our seniors more than \$23.5 billion on their prescription drugs. We know this is working. Florida seniors enrolled in the program are now saving an average of \$987 a year because of closing the loophole.

□ 1830

We know what \$987 means to the average senior on Medicare. We also know that if these coverage gap discounts disappeared, part D enrollees would have to pay \$3,725 for the time period they are in the doughnut hole. This \$3,725 represents nearly 15 percent of a Medicare enrollee's income.

With too many Floridians and seniors across the Nation struggling to make ends meet, I strongly believe that Congress can do more to make sure we do not go backwards and reopen this doughnut hole. No one should ever have to choose between food or medicine.

I urge my colleagues to consider the livelihood and dignity of our most vulnerable seniors and vote for my amendment to protect access to affordable prescription drugs for older Americans.

Mr. Speaker, I yield back the balance of my time.

Mr. MARINO. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MARINO. Mr. Speaker, this bill's bold reforms deliver the heart of the regulatory reform this Nation desperately needs; and I cannot overstate how desperately we need it because, after 8 years of the Obama administration's blowout administrative state, what do we have?

We have an economy that for 8 straight years has failed to produce enough good, new, full-time jobs to sustain growth and restore dignity to the unemployed. We have 92 million Americans outside the workforce, a level not seen since the Carter years. We have nearly \$2 trillion of American wealth commandeered each year to be spent as Washington bureaucrats demand, through runaway regulation—\$2 trillion. This is more money than the GDP of all but eight countries in the world.

We do not need a regulatory state that is that size; we need a regulatory system that is cut down to size. And lest we ever forget, we need a regulatory system that never again allows



a runaway executive branch to do what the Obama administration did: use a pen and a phone to undertake an end run around Congress and force on the American people job-crushing policies that their elected representatives in Congress never supported.

This motion to recommit turns a blind eye to all of that. It says to the runaway administrative state: Keep on running as fast as you can; we don't care. It says to the American people: Sit down and be quiet. Washington bureaucrats are your betters, and you need to just keep doing what they tell you to do.

Well, the hardworking taxpayers have spoken and yanked the boots of unelected bureaucrats off the throats of hardworking Americans. Enough is enough. Support this bill. Reject this motion to recommit. Show the American people that they come first, not bureaucrats in Washington.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Mrs. DEMINGS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 5-minute vote on the motion to recommit will be followed by a 5-minute vote on passage of the bill, if ordered.

The vote was taken by electronic device, and there were—ayes 190, noes 233, not voting 11, as follows:

[Roll No. 44]

#### AYES—190

Adams	Correa	Green, Al
Aguilar	Costa	Green, Gene
Barragán	Courtney	Grijalva
Bass	Crist	Gutiérrez
Beatty	Crowley	Hanabusa
Bera	Cuellar	Hastings
Beyer	Cummings	Heck
Bishop (GA)	Davis (CA)	Higgins (NY)
Blumenauer	Davis, Danny	Himes
Blunt Rochester	DeFazio	Hoyer
Bonamici	DeGette	Huffman
Boyle, Brendan	Delaney	Jackson Lee
F.	DeLauro	Jayapal
Brady (PA)	DelBene	Jeffries
Brown (MD)	Demings	Johnson (GA)
Brownley (CA)	DeSaulnier	Johnson, E. B.
Bustos	Deutch	Kaptur
Butterfield	Dingell	Keating
Capuano	Doggett	Kelly (IL)
Carbajal	Doyle, Michael	Kennedy
Cárdenas	F.	Khanna
Carson (IN)	Ellison	Kihuen
Cartwright	Engel	Kildee
Castor (FL)	Eshoo	Kilmer
Castro (TX)	Espallat	Kind
Chu, Judy	Esty	Krishnamoorthi
Ciicilline	Evans	Kuster (NH)
Clark (MA)	Foster	Langevin
Clarke (NY)	Frankel (FL)	Larsen (WA)
Clay	Fudge	Larson (CT)
Clyburn	Gabbard	Lawrence
Cohen	Gallego	Lawson (FL)
Connolly	Garamendi	Lee
Conyers	Gonzalez (TX)	Levin
Cooper	Gottheimer	Lewis (GA)

Lieu, Ted	Pallone	Shea-Porter
Lipinski	Panetta	Sherman
Loeback	Pascarell	Sinema
Lofgren	Payne	Sires
Lowenthal	Pelosi	Slaughter
Lowe	Perlmutter	Smith (WA)
Lujan Grisham, M.	Peters	Soto
Luján, Ben Ray	Peterson	Speier
Lynch	Pingree	Suozi
Maloney.	Pocan	Swalwell (CA)
Carolyn B.	Polis	Takano
Maloney, Sean	Price (NC)	Thompson (CA)
Matsui	Quigley	Thompson (MS)
McCollum	Raskin	Titus
McEachin	Rice (NY)	Tonko
McGovern	Richmond	Torres
McNerney	Rosen	Tsongas
Meeks	Roybal-Allard	Vargas
Meng	Ruiz	Veasey
Moore	Ruppersberger	Vela
Moulton	Sánchez	Velázquez
Murphy (FL)	Sarbanes	Viscosky
Nadler	Schakowsky	Walz
Napolitano	Schiff	Wasserman
Neal	Schneider	Schultz
Nolan	Schrader	Waters, Maxine
Norcross	Scott (VA)	Watson Coleman
O'Halleran	Scott, David	Welch
O'Rourke	Serrano	Wilson (FL)
	Sewell (AL)	Yarmuth

#### NOES—233

Abraham	Ferguson	Marino
Aderholt	Fitzpatrick	Marshall
Allen	Fleischmann	Massie
Amash	Flores	Mast
Amodei	Fortenberry	McCarthy
Arrington	Fox	McCaul
Babin	Franks (AZ)	McClintock
Bacon	Frelinghuysen	McHenry
Banks (IN)	Gaetz	McKinley
Barletta	Gallagher	McMorris
Barr	Garrett	Rodgers
Barton	Gibbs	McSally
Bergman	Gohmert	Meadows
Beutler	Goodlatte	Meehan
Biggs	Gosar	Messer
Bilirakis	Gowdy	Mitchell
Bishop (MI)	Granger	Moolenaar
Bishop (UT)	Graves (GA)	Mooney (WV)
Black	Graves (LA)	Mullin
Blackburn	Graves (MO)	Murphy (PA)
Blum	Griffith	Newhouse
Bost	Grothman	Noem
Brady (TX)	Guthrie	Nunes
Brat	Harper	Olson
Bridenstine	Hartzler	Palazzo
Brooks (AL)	Hensarling	Palmer
Brooks (IN)	Hice, Jody B.	Paulsen
Buchanan	Higgins (LA)	Pearce
Buck	Hill	Perry
Bucshon	Holding	Pittenger
Budd	Hollingsworth	Poe (TX)
Burgess	Hudson	Poliquin
Byrne	Huizenga	Posey
Calvert	Hultgren	Ratcliffe
Carter (GA)	Hunter	Reed
Carter (TX)	Hurd	Reichert
Chabot	Issa	Renacci
Chaffetz	Jenkins (KS)	Rice (SC)
Cheney	Jenkins (WV)	Roby
Coffman	Johnson (LA)	Roe (TN)
Cole	Johnson (OH)	Rogers (AL)
Collins (GA)	Johnson, Sam	Rogers (KY)
Collins (NY)	Jones	Rohrabacher
Comer	Jordan	Rokita
Comstock	Joyce (OH)	Rooney, Francis
Conaway	Katko	Rooney, Thomas
Cook	Kelly (MS)	J.
Costello (PA)	Kelly (PA)	Ros-Lehtinen
Cramer	King (IA)	Roskam
Crawford	King (NY)	Ross
Culberson	Kinzinger	Rothfus
Curbelo (FL)	Knight	Rouzer
Davidson	Kustoff (TN)	Royce (CA)
Davis, Rodney	Labrador	Russell
Denham	LaHood	Sanford
Dent	LaMalfa	Scalise
DeSantis	Lamborn	Schweikert
DesJarlais	Lance	Scott, Austin
Diaz-Balart	Latta	Sensenbrenner
Donovan	Lewis (MN)	Sessions
Duffy	LoBiondo	Shimkus
Duncan (SC)	Long	Shuster
Duncan (TN)	Loudermilk	Simpson
Dunn	Love	Smith (MO)
Emmer	Lucas	Smith (NE)
Farenthold	Luetkemeyer	Smith (NJ)
Faso	Marchant	Smith (TX)

Smucker	Upton	Williams
Stefanik	Valadao	Wilson (SC)
Stewart	Wagner	Wittman
Stivers	Walberg	Womack
Taylor	Walden	Woodall
Tenney	Walker	Yoder
Thompson (PA)	Walorski	Yoho
Thornberry	Walters, Mimi	Young (AK)
Tiberi	Weber (TX)	Young (IA)
Tipton	Webster (FL)	Zeldin
Trott	Wenstrup	
Turner	Westerman	

#### NOT VOTING—11

Becerra	Mulvaney	Rutherford
Cleaver	Pompeo	Ryan (OH)
Harris	Price, Tom (GA)	Zinke
MacArthur	Rush	

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1839

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. MACARTHUR. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted “nay” on rollcall No. 44.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MARINO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 238, nays 183, not voting 13, as follows:

[Roll No. 45]

#### YEAS—238

Abraham	Comstock	Graves (MO)
Aderholt	Conaway	Griffith
Allen	Cook	Grothman
Amash	Costa	Guthrie
Amodei	Costello (PA)	Harper
Arrington	Cramer	Hartzler
Babin	Crawford	Hensarling
Bacon	Cuellar	Hice, Jody B.
Banks (IN)	Culberson	Higgins (LA)
Barletta	Curbelo (FL)	Hill
Barr	Davidson	Holding
Barton	Davis, Rodney	Hollingsworth
Bergman	Denham	Hudson
Beutler	Dent	Huizenga
Biggs	DeSantis	Hultgren
Bilirakis	DesJarlais	Hunter
Bishop (MI)	Diaz-Balart	Hurd
Bishop (UT)	Donovan	Issa
Black	Duffy	Jenkins (KS)
Blackburn	Duncan (SC)	Jenkins (WV)
Blum	Duncan (TN)	Johnson (LA)
Bost	Dunn	Johnson (OH)
Brady (TX)	Emmer	Johnson, Sam
Brat	Farenthold	Jones
Bridenstine	Faso	Jordan
Brooks (AL)	Ferguson	Joyce (OH)
Brooks (IN)	Fitzpatrick	Katko
Buchanan	Fleischmann	Kelly (MS)
Buck	Flores	Kelly (PA)
Bucshon	Fortenberry	King (IA)
Budd	Fox	King (NY)
Burgess	Franks (AZ)	Kinzinger
Byrne	Frelinghuysen	Knight
Calvert	Gaetz	Kustoff (TN)
Carter (GA)	Gallagher	Labrador
Carter (TX)	Garrett	LaHood
Chabot	Gibbs	LaMalfa
Chaffetz	Gohmert	Lamborn
Cheney	Goodlatte	Lance
Coffman	Gosar	Latta
Cole	Gowdy	Lewis (MN)
Collins (GA)	Granger	LoBiondo
Collins (NY)	Graves (GA)	Long
Comer	Graves (LA)	Loudermilk

Love	Pittenger	Smith (NJ)	SchultzWaters,	Watson Coleman	Wilson (FL)
Lucas	Poe (TX)	Smith (TX)	Maxine	Welch	Yarmuth
Luetkemeyer	Poliquin	Smucker			
MacArthur	Possey	Stefanik			
Marchant	Ratcliffe	Stewart	Becerra	Mulvaney	Rutherford
Marino	Reed	Stivers	Cleaver	Pompeo	Ryan (OH)
Marshall	Reichert	Taylor	DeLauro	Price, Tom (GA)	Zinke
Massie	Renacci	Tenney	Gabbard	Rice (SC)	
Mast	Roby	Thompson (PA)	Harris	Rush	
McCarthy	Roe (TN)	Thornberry			
McCaul	Rogers (AL)	Tiberi			
McClintock	Rogers (KY)	Tipton			
McHenry	Rohrabacher	Trott			
McKinley	Rokita	Turner			
McMorris	Rooney, Francis	Upton			
Rodgers	Rooney, Thomas	Valadao			
McSally	J.	Wagner			
Meadows	Ros-Lehtinen	Walberg			
Meehan	Roskam	Walden			
Messer	Ross	Walker			
Mitchell	Rothfus	Walorski			
Moolenaar	Rouzer	Walters, Mimi			
Mooney (WV)	Royce (CA)	Weber (TX)			
Mullin	Russell	Webster (FL)			
Murphy (FL)	Sanford	Wenstrup			
Murphy (PA)	Scalise	Westerman			
Newhouse	Schrader	Williams			
Noem	Schweikert	Wilson (SC)			
Nunes	Scott, Austin	Wittman			
Olson	Sensenbrenner	Womack			
Palazzo	Sessions	Woodall			
Palmer	Shimkus	Yoder			
Paulsen	Shuster	Yoho			
Pearce	Simpson	Young (AK)			
Perry	Smith (MO)	Young (IA)			
Peterson	Smith (NE)	Zeldin			

## NAYS—183

Adams	Fudge	Moulton
Aguilar	Gallego	Nadler
Barragán	Garamendi	Napolitano
Bass	Gonzalez (TX)	Neal
Beatty	Gottheimer	Nolan
Bera	Green, Al	Norcross
Beyer	Green, Gene	O'Halleran
Bishop (GA)	Grijalva	O'Rourke
Blumenauer	Gutiérrez	Pallone
Blunt Rochester	Hanabusa	Panetta
Bonamici	Hastings	Pascrell
Boyle, Brendan	Heck	Payne
F.	Higgins (NY)	Pelosi
Brady (PA)	Himes	Perlmutter
Brown (MD)	Hoyer	Peters
Brownley (CA)	Huffman	Pingree
Bustos	Jackson Lee	Pocan
Butterfield	Jayapal	Polis
Capuano	Jeffries	Price (NC)
Carbajal	Johnson (GA)	Quigley
Cardenas	Johnson, E. B.	Raskin
Carson (IN)	Kaptur	Rice (NY)
Cartwright	Keating	Richmond
Castor (FL)	Kelly (IL)	Rosen
Castro (TX)	Kennedy	Roybal-Allard
Chu, Judy	Khanna	Ruiz
Cicilline	Kihuen	Ruppersberger
Clark (MA)	Kildee	Sánchez
Clarke (NY)	Kilmer	Sarbanes
Clay	Kind	Schakowsky
Clyburn	Krishnamoorthi	Schiff
Cohen	Kuster (NH)	Schneider
Connolly	Langevin	Scott (VA)
Conyers	Larsen (WA)	Scott, David
Cooper	Larson (CT)	Serrano
Correa	Lawrence	Sewell (AL)
Courtney	Lawson (FL)	Shea-Porter
Crist	Lee	Sherman
Crowley	Levin	Sinema
Cummings	Lewis (GA)	Sires
Davis (CA)	Lieu, Ted	Slaughter
Davis, Danny	Lipinski	Smith (WA)
DeFazio	Loebsack	Soto
DeGette	Lofgren	Speier
Delaney	Lowenthal	Suozi
DelBene	Lowe	Swalwell (CA)
Demings	Lujan Grisham,	Takano
DeSaulnier	M.	Thompson (CA)
Deuth	Luján, Ben Ray	Thompson (MS)
Dingell	Lynch	
Doggett	Maloney,	
Doyle, Michael	Carolyn B.	
F.	Maloney, Sean	
Ellison	Matsui	
Engel	McCollum	
Eshoo	McEachin	
Espallat	McGovern	
Esty	McNerney	
Evans	Meeks	
Foster	Meng	
Frankel (FL)	Moore	

## NOT VOTING—13

Becerra	Mulvaney	Rutherford
Cleaver	Pompeo	Ryan (OH)
DeLauro	Price, Tom (GA)	Zinke
Gabbard	Rice (SC)	
Harris	Rush	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1846

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that the Speaker's appointment of members of the Permanent Select Committee on Intelligence on January 6, 2017, without objection, is made notwithstanding the requirement of clause 11(a)(4)(A) of rule X.

There was no objection.

## ELECTING MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. CROWLEY. Mr. Speaker, I send to the desk a resolution and ask unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The text of the resolution is as follows:

## H. RES. 45

*Resolved*, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE.—Mr. Peterson, Mr. David Scott of Georgia, Mr. Costa, Mr. Walz, Ms. Fudge, Mr. McGovern, Mr. Vela, Ms. Michelle Lujan Grisham of New Mexico, Ms. Kuster of New Hampshire, Mr. Nolan, Mrs. Bustos, Mr. Sean Patrick Maloney of New York, Ms. Plaskett, Ms. Adams, Mr. Evans, Mr. Lawson of Florida, Mr. O'Halleran, Mr. Panetta, and Mr. Soto.

(2) COMMITTEE ON APPROPRIATIONS.—Ms. Kaptur, Mr. Visclosky, Mr. Serrano, Ms. DeLauro, Mr. Price of North Carolina, Ms. Roybal-Allard, Mr. Bishop of Georgia, Ms. Lee, Ms. McCollum, Mr. Ryan of Ohio, Mr. Ruppersberger, Mr. Wasserman Schultz, Mr. Cuellar, Ms. Pingree, Mr. Quigley, Mr. Kilmer, Mr. Cartwright, Ms. Meng, Mr. Pocan, Ms. Clark of Massachusetts, and Mr. Aguilar.

(3) COMMITTEE ON ARMED SERVICES.—Mr. Brady of Pennsylvania, Mrs. Davis of California, Mr. Langevin, Mr. Larsen of Washington, Mr. Cooper, Ms. Bordallo, Mr. Courtney, Ms. Tsongas, Mr. Garamendi, Ms. Speier, Mr. Veasey, Ms. Gabbard, Mr. O'Rourke, Mr. Norcross, Mr. Gallego, Mr. Moulton, Ms. Hanabusa, Ms. Shea-Porter, Ms. Rosen, Mr. McEachin, Mr. Carbajal, Mr. Brown of Maryland, Mrs. Murphy of Florida,

Mr. Khanna, Mr. Peters, Mr. Aguilar, and Mr. Castro of Texas.

(4) COMMITTEE ON THE BUDGET.—Ms. Lee, Ms. Michelle Lujan Grisham of New Mexico, Mr. Moulton, Mr. Jeffries, Mr. Higgins of New York, and Ms. DelBene.

(5) COMMITTEE ON EDUCATION AND THE WORKFORCE.—Mrs. Davis of California, Mr. Grijalva, Mr. Courtney, Ms. Fudge, Mr. Polis, Mr. Sablan, Ms. Wilson of Florida, Ms. Bonamici, Mr. Takano, Ms. Adams, Mr. DeSaulnier, Mr. Norcross, Ms. Blunt Rochester, and Mr. Krishnamoorthi.

(6) COMMITTEE ON ENERGY AND COMMERCE.—Mr. Rush, Ms. Eshoo, Mr. Engel, Mr. Gene Green of Texas, Ms. DeGette, Mr. Michael F. Doyle of Pennsylvania, Ms. Schakowsky, Mr. Butterfield, Ms. Matsui, Ms. Castor of Florida, Mr. Sarbanes, Mr. McNerney, Mr. Welch, Mr. Ben Ray Lujan of New Mexico, Mr. Tonko, Ms. Clarke of New York, Mr. Loebsack, Mr. Schrader, Mr. Kennedy, Mr. Cardenas, Mr. Ruiz, Mr. Peters, and Mrs. Dingell.

(7) COMMITTEE ON FINANCIAL SERVICES.—Mrs. Carolyn B. Maloney of New York, Ms. Velázquez, Mr. Sherman, Mr. Meeks, Mr. Capuano, Mr. Clay, Mr. Lynch, Mr. David Scott of Georgia, Mr. Al Green of Texas, Mr. Cleaver, Ms. Moore, Mr. Ellison, Mr. Perlmuter, Mr. Himes, Mr. Foster, Mr. Kildee, Mr. Delaney, Ms. Sinema, Mrs. Beatty, Mr. Heck, Mr. Vargas, Mr. Gottheimer, Mr. Gonzalez of Texas, Mr. Crist, and Mr. Kihuen.

(8) COMMITTEE ON FOREIGN AFFAIRS.—Mr. Sherman, Mr. Meeks, Mr. Sires, Mr. Connolly, Mr. Deutch, Ms. Bass, Mr. Keating, Mr. Cicilline, Mr. Bera, Ms. Frankel of Florida, Ms. Gabbard, Mr. Castro of Texas, Ms. Kelly of Illinois, Mr. Brendan F. Boyle of Pennsylvania, Ms. Titus, Mrs. Torres, Mr. Schneider, Mr. Suozzi, and Mr. Espallat.

(9) COMMITTEE ON HOMELAND SECURITY.—Ms. Jackson Lee, Mr. Langevin, Mr. Richmond, Mr. Keating, Mr. Payne, Mr. Vela, Mrs. Watson Coleman, Miss Rice of New York, Mr. Correa, Mrs. Demings, and Ms. Barragán.

(10) COMMITTEE ON HOUSE ADMINISTRATION.—Mr. Raskin.

(11) COMMITTEE ON THE JUDICIARY.—Mr. Conyers, Mr. Nadler, Ms. Lofgren, Ms. Jackson Lee, Mr. Cohen, Mr. Johnson of Georgia, Ms. Judy Chu of California, Mr. Deutch, Mr. Gutiérrez, Ms. Bass, Mr. Richmond, Mr. Jeffries, Mr. Cicilline, Mr. Swalwell of California, Mr. Ted Lieu of California, Mr. Raskin, and Ms. Jayapal.

(12) COMMITTEE ON NATURAL RESOURCES.—Mrs. Napolitano, Ms. Bordallo, Mr. Costa, Mr. Sablan, Ms. Tsongas, Mr. Huffman, Mr. Lowenthal, Mr. Beyer, Mrs. Torres, and Mr. Gallego.

(13) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.—Mrs. Carolyn B. Maloney of New York, Ms. Norton, Mr. Clay, Mr. Lynch, Mr. Cooper, Mr. Connolly, Ms. Kelly of Illinois, Mrs. Lawrence, Mr. Ted Lieu of California, Mrs. Watson Coleman, Ms. Plaskett, and Mr. Brendan F. Boyle of Pennsylvania.

(14) COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY.—Ms. Eddie Bernice Johnson of Texas, Ms. Lofgren, Mr. Lipinski, Ms. Bonamici, Mr. Bera, Ms. Esty, Mr. Veasey, and Mr. Beyer.

(15) COMMITTEE ON SMALL BUSINESS.—Ms. Judy Chu of California.

(16) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Mr. DeFazio, Ms. Norton, Mr. Nadler, Ms. Eddie Bernice Johnson of Texas, Mr. Cummings, Mr. Larsen of Washington, Mr. Capuano, Mrs. Napolitano, Mr. Lipinski, Mr. Cohen, Mr. Sires, Mr. Garamendi, Mr. Johnson of Georgia, Mr. Carson of Indiana, Mr. Nolan, Ms. Titus, Mr. Sean Patrick Maloney of New York, Ms. Esty, Ms. Frankel of Florida, Mrs. Bustos, Mr. Huffman, Ms. Brownley of California,

Ms. Wilson of Florida, Mr. Payne, Mr. Lowenthal, Mrs. Lawrence, and Mr. DeSaulnier.

(17) COMMITTEE ON VETERANS' AFFAIRS.—Mr. Walz, Mr. Takano, Ms. Brownley of California, Ms. Kuster of New Hampshire, Mr. O'Rourke, and Miss Rice of New York.

(18) COMMITTEE ON WAYS AND MEANS.—Mr. Levin, Mr. Lewis of Georgia, Mr. Becerra, Mr. Doggett, Mr. Thompson of California, Mr. Larson of Connecticut, Mr. Blumenauer, Mr. Kind, Mr. Pascrell, Mr. Crowley, Mr. Danny K. Davis of Illinois, Ms. Sánchez, Mr. Higgins of New York, Ms. Sewell of Alabama, and Ms. DelBene.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### NATIONAL HUMAN TRAFFICKING AWARENESS DAY

(Mr. YOHO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOHO. Mr. Speaker, today is National Human Trafficking Awareness Day, an issue close to my heart.

Human trafficking is nothing more than modern-day slavery. Last Congress, the Foreign Affairs Committee shined a light on this scourge that affects millions around the world and passed into law the International Megan's Law, which attacks child sex tourism by child sex offenders, improves international law enforcement cooperation, and improves notices of child sex offenders traveling to the U.S.

We have come a long way in creating awareness, but more must be done. According to the Polaris Project, from 2007 to 2015, over 25,000 cases of human trafficking were discovered in the United States, and 7,700 of these were minors. Over 100,000 calls were made to the National Human Trafficking Resource Center hotline.

We all know this is an issue that does not discriminate. It can affect everyone. In north Florida, over Christmas, a man was arrested for trafficking a woman across five county lines. This case started with him luring her to Florida over the Internet and ended when law enforcement were able to save the victim after seeing her in adult advertisements online.

I want to thank all those who were involved in bringing this person to justice.

On this National Human Trafficking Awareness Day, we in Congress will not look away. We will continue to fight the scourge called human trafficking.

#### MORE QUESTIONS THAN ANSWERS

(Mr. BRENDAN F. BOYLE of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRENDAN F. BOYLE of Pennsylvania. Mr. Speaker, today, we have more questions than answers about profoundly disturbing ties between the President-elect and shadowy Russian influences.

The American people deserve full disclosure about any financial or personal interests held over this incoming administration by foreign entities and potential collusion to undermine our democracy.

Why has Mr. Trump failed to oppose Russia's forceful annexation of Crimea?

Why did he pressure his party to officially withdraw a plank calling for assistance to Ukraine?

Why did Mr. Trump reflexively attack our own intelligence officials when they warned of Russian interference in the election?

Why is he avoiding regular intelligence briefings?

Now that our intelligence community has concretely confirmed that Russia meddled in our democracy, we must demand to know if there has been any undue influence on Mr. Trump since he began his campaign. These new allegations finally shed light on his potential motives.

Mr. Speaker, Congress, as a coequal branch of government, must conduct a bipartisan investigation and do it immediately.

#### SHAME SEX TRAFFICKERS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, human trafficking victims are slaves living in fear, totally losing their identity.

On this National Human Trafficking Awareness Day, it is time to publicly expose the traffickers. As a former judge in Texas, I used public punishment to keep criminals from returning to my courtroom and to discourage other criminals from committing more crimes.

This form of public shaming can be successful in combating human trafficking. That is why, today, I introduced the SHAME Act. This bill will give Federal judges the ability to publish the names and photographs of both convicted human traffickers and the buyers of trafficked victims. Buyers will no longer be able to hide in plain sight under a cloak of anonymity.

My hope is that the SHAME Act strikes fear in those who think about purchasing young women for sex. Perhaps the thought of having their face on a billboard will make the scoundrels think twice about participating in the modern-day slave trade. It is time to shame these horrible humans out of business.

And that is just the way it is.

#### HONORING THE LIFE OF PAUL STEWART "STU" SHANER

(Mr. LAMALFA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMALFA. Mr. Speaker, I rise today in sadness to honor the life of a friend, Paul Stewart Shaner, known as

"Stu" around Oroville. He passed away just recently, December 13, at the age of 76.

A resident of Oroville, California, since age 5, Stu was a prominent member of the community known for his civic engagement and a true passion for his small town, the one I grew up in as well.

While poor eyesight prevented Stu from joining the military, he went out of his way to serve in many other ways, serving veterans, serving his community, and making veterans feel treasured. He served his community in so many different ways, it is not hard to think of Stu as the main fiber of our town of Oroville.

One of Stu's life goals was to erect a memorial park for veterans in Oroville. He worked very hard to accomplish this, serving as co-chair for the Veterans Memorial Park for over a decade.

When you heard from Stu, you heard from him. He was going to get this done, and we were all determined to be helpful for him. He was relentless. The new park is under construction this very moment.

In the words of everyone who knew Stu, he was one of the good guys who loved his family, his town, and the veterans who served his country.

God bless Stu Shaner's family. We will miss him.

#### GEORGIA CYBER INNOVATION AND TRAINING CENTER

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, I rise today to applaud Governor Deal's plan to begin construction on the Georgia Cyber Innovation and Training Center in Georgia.

Cyber is the new frontier in warfare. In order to field the threats of today and tomorrow, a 21st century military is essential. Our community back home in Georgia is proving to be a major influencer and champion in the cyber arena. With the U.S. Army Cyber Command's transition to Fort Gordon, numerous tech companies and jobs investing in our area, the creation of local cyber institutes substitutes, and now the establishment of the Georgia Cyber Innovation and Training Center, Georgia's 12th District has the potential to become the security, technology, and innovation hub of the southeast.

Because of the work that will be done here, we will be leading the charge in creating the cyber workforce and leading our Nation. The battlefields don't look like they used to. We have got to adapt fast. I am thankful to Governor Deal for his efforts to not only create jobs, but to strengthen our national security and invest in our community.

2016 NATIONAL DRUG CONTROL STRATEGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 115-5)

The SPEAKER pro tempore (Mr. DUNN) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on the Judiciary, Committee on Agriculture, Committee on Armed Services, Committee on Energy and Commerce, Committee on Education and the Workforce, Committee on Financial Services, Committee on Homeland Security, Committee on Oversight and Government Reform, Committee on Foreign Affairs, Committee on Natural Resources, Committee on Transportation and Infrastructure, Committee on Ways and Means, Committee on Veterans' Affairs, and the Permanent Select Committee on Intelligence and ordered to be printed:

*To the Congress of the United States:*

I am pleased to transmit the 2016 *National Drug Control Strategy* summarizing the accomplishments of my Administration's 21st century approach to drug policy and opportunities to continue to reduce the burden of substance use in the United States. My Administration released its first *Strategy* in 2010 with a commitment to use the best available science and to consult broadly to develop a balanced and comprehensive approach to drug policy that incorporates both public health and public safety approaches to address this complex problem.

We set aggressive goals to reduce drug use by 2015 and though the results of our efforts are mixed, we have seen progress in reducing drug use and in cooperation both nationally and internationally. As a Nation we exceeded our goals for reducing alcohol and tobacco use among youth and for reducing the number of new HIV infections attributable to drug use. We have been less successful in reducing illicit drugs in youth and young adults as well as reducing the number of drug-induced deaths and driving while drugged. We also face serious challenges including an epidemic of opioid use and overdose deaths as well as growing threats from drug trafficking organizations involved in manufacturing and distributing cocaine and synthetic drugs, including novel psychoactive substances. These threats may continue to have an impact on drug use across lifespans, particularly chronic drug use and its consequences that contribute to poor academic performance, crime, underemployment, lost productivity, and health care costs, all of which threaten families and communities.

My Administration has consistently sought a broad coalition of partners to provide input into the development and enhancement of the *Strategy* during the past 7 years. We have invested in science to better understand the nature of addiction and inform the prevention

and treatment of addiction and support services to help maintain recovery in the community. We have sought to use medical terms and non-stigmatizing language when discussing substance use disorders, and those who suffer from this disease. Our support for law enforcement has led to significant outcomes in taking down drug trafficking organizations and removing millions of pounds of drugs from the market. And our work with our international partners has been instrumental in our allies' increasing regulation of chemical precursors to synthetic drugs and reducing their movement across the globe. Throughout my Administration, we have used the best available evidence to balance the Nation's public health and public safety and drive collaborative efforts to create healthier, safer, and more prosperous communities.

The Nation's work in reducing drug use and its consequences is not done and there are many opportunities for advancing efforts to address ongoing and emerging challenges. I thank the Congress for its continued support of our efforts and ask that you continue to support this vital endeavor.

BARACK OBAMA.

THE WHITE HOUSE, January 11, 2017.

□ 1900

THE PEOPLE'S NIGHT:  
OBAMACARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the gentleman from North Carolina (Mr. WALKER) is recognized for 60 minutes as the designee of the majority leader.

Mr. WALKER. Mr. Speaker, tonight is our third time that we have hosted People's Night. This is a time for our Members to bypass outside forces and influences and talk directly to the American people.

Tonight we are presenting something that has been very important, not just a topic, but something that nearly 6 years ago—or a little over 6 years ago—right here where we stand tonight was passed in an overly bipartisan manner and has burdened the American people in what is now known as ObamaCare, the Affordable Care Act.

This is a piece of legislation that has burdened small businesses and individuals alike. Now we have been asked to fix it, to repeal and to replace. Well, it takes Members to be able to have experience in this particular field to understand the heart of community. One of the people who does that most, specifically in the area of poverty initiatives, who reaches across community lines, reaches across party lines is the gentleman from Kentucky, my good friend, Representative ANDY BARR from Kentucky. I yield to the gentleman from Kentucky (Mr. BARR).

Mr. BARR. Mr. Speaker, I thank my friend, the gentleman from North Carolina, for his leadership not only of the

Republican Study Committee as the new chairman—and I welcome you as the new chairman of the Republican Study Committee—but for his leadership on issues related to the importance of repealing this disastrous law that is making life harder on the American people; and not just repealing it, but replacing it with policy ideas that put power back in the hands of patients, their families, and their doctors instead of driving up costs, forcing people to lose their healthcare plans, forcing the government to ration health care. We need a better way.

I am proud to say that we are supporting not just repealing ObamaCare here tonight, but bringing to the American people some constructive, positive ideas that will make life easier for them and improve their lives through better patient-centered health care.

Mr. Speaker, Kentucky was once portrayed by President Obama, a red State, as a model of the implementation of ObamaCare. Yet, every day in Kentucky, in my district in central and eastern Kentucky, I hear stories from families and small businesses and individuals who have been hurt by this disastrous law.

Now, over the next few weeks, as President-elect Trump comes into office and as this Congress revisits the issue of healthcare reform, I expect we will hear from our friends on the other side of the aisle, arguments like “Don't repeal ObamaCare. We have 20 million new Americans who have insurance.”

But that statistic needs to be scrutinized because the truth of the matter is ObamaCare forced people to lose their health care. In many cases, and in Kentucky as an example, many of my constituents lost high-quality, private, commercial health insurance through their workplace, and millions of Americans received cancellation notices in the mail. Their small employers told them that they were going to have to change their health plans because of this law.

So not only do we see now skyrocketing costs for those who currently have health insurance, but many Americans who our friends on the other side of the aisle say now are insured or covered, these are folks who lost their health insurance before.

What happened?

They lost high-quality, job-based health insurance, and so they were forced into these exchanges. In Kentucky it was called Kynect. In many cases, they went to the cheapest plan available, which happened to be Medicaid. Well, my fellow Americans, access to a waiting line is not access to health care. Unfortunately, Medicaid is oftentimes access to a waiting line, and it is not access to true health care.

President Obama's promise that his healthcare law would help people has not turned out to be the case. In terms of cost, remember, this is called the Affordable Care Act, but it is anything but affordable because even though he promised that premiums would decline

by \$2,500 a year for the average family, premiums have actually increased for hardworking Americans. Premiums have increased for 11 million people, according to a report by the Centers for Medicare & Medicaid Services. Millions of Americans, as I said before, lost previous coverage or had to change doctors due to this disastrous law.

Take, for example, Laura in my congressional district in Kentucky. Laura is a young mother who had a baby girl, Catherine. Catherine was diagnosed with a congenital heart defect, ventricular septal defect at birth, which is basically a hole in the wall of the heart. They needed high-quality pediatric cardiology to help Catherine. So they got a specialist at Boston Children's Hospital. Of course, a long way away from Kentucky, but they wanted the best, of course, for their daughter. When ObamaCare went into effect, unfortunately they lost their job-based health insurance that allowed them to access these specialists up in Boston for Catherine. The result was, they lost their doctor.

What do you think a young mother and a young father are going to do in that situation?

Guess what, they had to find a very expensive policy to cover a Boston surgeon out of network out of State, and so their costs skyrocketed.

This is the kind of thing that was happening to millions of Americans as a result of ObamaCare.

Look, ObamaCare obviously reduced choice and competition. There are now only three plans participating in the ObamaCare exchange in Kentucky, one of which covers a full 78 percent of the State's individual marketplace enrollees. In many States there is only one plan on the exchange. This has left too many families with no choice but to purchase high-deductible, high-premium coverage. In Kentucky, insurance plans have been forced to raise premiums by 23 percent in 2017 alone.

There is a better way, and the better way is healthcare reform that is focused on the patient, not putting bureaucrats in charge, not taking away choices, not driving up costs, not creating narrow networks for people, not forcing people out of their high-quality private health insurance into government-run health care, but, instead, empowering patients to access more affordable private coverage.

And one of the ways we can lower the cost of health care, make it more affordable for people to access high-quality private health insurance, is medical malpractice reform.

Frivolous lawsuits, junk lawsuits, have driven up the cost of health care in this country significantly. One of the fatal flaws of ObamaCare is that it never addressed this cost of healthcare inflation.

Over the course of their careers, it is estimated that 75 percent of all physicians will face a malpractice claim. Now, to be sure, some of those cases of medical negligence are legitimate.

And, of course, those plaintiffs should be able to fully recover damages for those cases of genuine actual malpractice. But for these frivolous lawsuits, that is driving up the cost of care. The fact that ObamaCare never even dealt with that issue is a fundamental flaw in the previous efforts to reform our healthcare system.

So I am a proud cosponsor of the Republican Study Committee's America Health Care Reform Act. In the American Health Care Reform Act is legislation that I introduced with Senator BARRASSO called the Saving Lives, Saving Costs Act. This doesn't cap damages for cases of actual malpractice, but if there is a frivolous claim, if the liability climate is producing frivolous lawsuits, what we say is this: If you are a hospital or a doctor or a nurse and you practice in accordance with peer reviewed, evidence-based clinical practice guidelines, that there should be a higher standard of proof for that plaintiff to get to a jury trial.

We want a safe harbor for our outstanding medical professionals who practice in accordance with the latest state-of-the-art guidelines on how to take care of patients.

So this does two things. Number one, it raises the standard of care. We are helping people access better, higher-quality medicine in this country with this legislation; and we are cutting out frivolous lawsuits, this litigation lottery that is driving up the cost of health care for all Americans.

This is the kind of reform that, if enacted, would replace ObamaCare with reforms that would actually lower the cost of health care without growing government.

I applaud the efforts of the Republican Study Committee for offering real solutions that will put patients and doctors in charge again and not Washington, D.C.

Mr. WALKER. I thank Representative BARR. Your compassion on this topic is certainly evident. We appreciate your comments this evening.

Mr. Speaker, there are a couple of numbers I would like to share that puts it a little bit in the context of what we are dealing with here. Seventy-five percent of co-ops have failed. In five States, Americans are down to just one option. The great thing about our country's history is that we have choices. We have decisions. Yet, since the takeover of this administration over health care, those choices have continued to reduce. Sometimes you may hear Congress this or Congress that. One of the neat things about Congress is the amount of people coming from diverse backgrounds.

Our next speaker tonight is Representative MIKE BISHOP, former senate majority leader in his home State of Michigan, who was already working on those reforms when he came to the United States Congress.

Mr. Speaker, I yield to my good friend from Michigan (Mr. BISHOP).

Mr. BISHOP of Michigan. Mr. Speaker, I thank the gentleman for his con-

tinued leadership and for the opportunity to rise today to join him and this group in this urgent discussion regarding solutions for our Nation's healthcare crisis.

I do appreciate the opportunity to be with my colleagues tonight and the sense of urgency that I feel from this group to address a very important issue.

Mr. Speaker, since the 2,700-page healthcare law was enacted in 2010, when our colleague from across the aisle absurdly rose and declared that we would know what was in it as soon as we passed it, young adults, families, and seniors have been punished and their policies canceled.

We have seen skyrocketing costs, poor coverage and, clearly, a lack of choices. I hear from constituents every single day who say that the law has not made health care more affordable, as President Obama promised it would.

Instead, healthcare insurance premiums have skyrocketed and are slated to increase again and again—significantly—regardless of what Congress is able to do about the law this year. In fact, those who currently have a plan can expect an average premium increase of 73 percent, while individuals who are just joining will see a 96 percent increase in premiums. Job providers are getting smothered as well.

Prior to joining Congress, I was a member of the private sector, and I can tell you firsthand that small businesses are cutting hours. They are letting go of workers. All of these things they are doing to make room for the ever-expanding healthcare law. It is preventing the economy—small business, which is the backbone of our economy—from growing to its fullest potential.

For all of these reasons, 8 out of every 10 Americans now favor changing ObamaCare significantly or replacing it altogether. What we do know is that doing nothing is not an option. Leaving this alone will result in further costs, further struggles by our families and small businesses, and we will see this whole healthcare law collapse upon itself. I do not believe and I don't think my colleagues believe here today that doing nothing is an option.

Last year in Michigan, deductibles went up an average of \$492 across all bronze, silver, and gold plans. This year our exchange rates will jump 17 percent in the State of Michigan. Families have a budget just like everybody else and they simply cannot absorb that kind of cost increase.

Complicating matters further, insurers like UnitedHealth Group are leaving the exchanges. Private practices are folding and doctors are being forced to retire because they can't financially stay afloat.

□ 1915

I can tell you, from a personal perspective in my own family, I have seen my doctor disappear recently this past year. Seemingly overnight, he retired



and moved away because he could not keep up with the costs of staying in business as a private practitioner.

I had a rheumatologist in my district. He is a very well-respected man who treats many rheumatoid patients in our district. It is a very sad fact. These people count on him every single day of the week. They have been forced out of his practice because they no longer fit into the network. He is forced with compliance costs—overwhelming compliance costs. He has to hire new people to cover the compliance requirements. He doesn't have the same reimbursement rates.

After all is said and done, a private practitioner, a specialist like this, can no longer stay in business; and families like ours, people like you and like me, can no longer continue to have that relationship, that doctor-patient relationship, that very personal relationship that we have had for years. These are real people, doctors, but also families and small businesses in our local communities that are struggling to stay financially afloat. The end result is we are losing good doctors because of the failures of ObamaCare.

Mr. Speaker, when a law has unintended consequences, Congress has an obligation to step up and make things right. In 2017, this will require a collaborative, bipartisan approach to address the issue. This is about finding a pain-free way to move forward with health care in our Nation to ensure our neighbors and our families don't have to struggle to make ends meet because of failed law.

We must act, Mr. Speaker. I want to thank Chairman WALKER for his continued support and his continued leadership on this important issue.

Mr. WALKER. I thank Representative BISHOP of Michigan.

One of the numbers my friend just mentioned was 8 out of 10. Nearly 80 percent, according to Gallup, believe this law should be overhauled or completely repealed. So I ask people watching tonight and my friends across the aisle: Are we to do nothing? In fact, even in the press conference today, President-elect Trump said that, if we did nothing, it would continue to fail. But we have an obligation to stand up and do what is right.

We can't do nothing. People are suffering—in fact, suffering to the place that even recently a couple months ago a Minnesota Governor was honest enough to talk about how it has damaged small business. Goodness gracious, even a former Democratic President has acknowledged the destruction it has caused for individuals and small businesses.

No one knows more about what it does to our States than individual Representatives. One of the fine gentlemen that is speaking tonight is Representative FRENCH HILL. He is one of the sharper minds that we have had as part of the 114th class that I have been privileged to meet and serve with for the last 2 years.

Mr. Speaker, I yield to the gentleman from Arkansas (Mr. HILL).

Mr. HILL. I thank the chairman for yielding and for his leadership to set aside for us to visit with the American people and talk about empowering patients, not politicians.

For 6 years, we have witnessed the failed rollout of the ObamaCare program. We didn't get to keep our plan that we liked, and we didn't get to keep our doctor that we had such a good relationship with. We have seen physicians leave the business. We have spent billions on duplicative, unnecessary exchanges that are now failing across this country. So I commend the Republican Study Committee, and I am proud to be a part of this group to talk about how to bring relief to the American people on the failed ObamaCare law.

I still hear from constituents—even now, 6 years later, from this rolling evolution of ObamaCare—who have seen their coverage lost and their increases in healthcare costs skyrocket. This healthcare regulatory burden that we are talking about tonight has led to droves of part-time jobs instead of full-time jobs and unaffordable group plans for the people who were in a good small business group plan. This regulatory burden is on top of what has been a 6-year to 8-year crushing burden on business from many different agencies from the EPA and beyond.

One constituent wrote my office after he was forced to accept an insurance plan to meet the affordable healthcare law that cost him \$1,300 a month, Mr. Speaker, and he still has to meet two \$2,500 deductibles before the insurance coverage kicks in. Now, that is \$20,600 a year. Mr. Speaker, I was a small businessman before I joined Congress, and we had employees that made \$20,600 a year in our small business. So what is left for the family budget when you are going to spend \$20,000 for health care? That is typical now after the rollout of ObamaCare for a family of four. This is in a place in our country where healthcare costs \$20- or \$30,000 a year in out-of-pocket expenses? Obviously, this system is broken.

Now, in Arkansas, unlike much of the country where people are definitely seeing large, double-digit, or, in some cases, larger increases in the ObamaCare premium, Arkansans, on the exchanges, are seeing lower than those average increases. In my view, this is largely because our Governor and our State legislature are working hard to make the best out of a bad situation and fighting to pursue innovative measures that work best for our small State.

The Arkansas Works program has helped to prevent skyrocketing premiums on the exchanges, and the State is still subject, though, to duplicative reviews by Federal and State agencies and costly and burdensome regulations that have nothing to do with trying to lower the cost of health care for Arkansans.

This week, Governor Hutchinson wrote the House leadership decrying the individual and employer mandates and stressing the need for healthcare reform that provides our States more flexibility—more flexibility, Mr. Speaker—to design programs that fit the needs of people in our State while increasing predictability and affordability. Some of the points Governor Hutchinson made in his letter to our leadership include calling for States having the option of receiving Medicaid funds through a block grant enabling them to tailor the program in the Medicaid population under health care in what fits Arkansas, what Arkansans can afford. In fact, that is our Better Way approach, Mr. Speaker, for the Medicaid population.

He calls for the elimination of the Federal health insurance exchanges. We had exchanges before ObamaCare that can be operated by States in the private sector without Federal interference. Governor Hutchinson called for restricting the duplicative reviews of rate and plan filings by CMS. They are already being done by our individual State insurance regulators. Of course, the thing that drives up costs not only for the Medicaid population, for people on the ObamaCare exchanges, and for people out in the group health plans is the essential health benefits requirement.

Governor Hutchinson says that this has driven up costs for everybody, for government, for families, and that elimination of these requirements would provide flexible options for insurance providers to offer cheaper plans to younger and healthier individuals. That is key to choice, Mr. Speaker.

In some counties, Arkansans now only have one insurance option. I don't think one option is an option. There is no choice. This monopoly or oligopoly pricing combined with the mandates are demonstrating the unaffordability of the Affordable Care Act.

With the recent election, we now have a unique opportunity to recognize these flaws of this one-size-fits-all, Big Government-mandated, top-down approach to health care, reverse course, and, again, bring relief to the American people of this failed law put forth by the Obama administration. Chairman WALKER and the Republican Study Committee have put together a comprehensive plan to repeal ObamaCare and replace this failed law with conservative principles.

Mr. Speaker, Americans want change. We are asking that we design those changes with patients in mind and that we, in fact, in this group—Mr. WALKER, I know you agree—we will read the bill before we pass it.

So the RSC proposal and the Better Way framework outlined by Speaker RYAN are going to bring relief, change, and opportunity that fit with the principles that have guided the Republican Party and the Republican outlook, the Republican Study Committee, which is



we will bring competition and we will bring efforts to lower prices and increase access for the American people.

With that, Mr. WALKER, I commend you again.

Mr. WALKER. If you listened closely there, Representative HILL talked about some of the premiums increasing. If you think back 6, 7, even 8 years ago, even part of the original campaign talking about the Affordable Care Act, this ObamaCare, we think about three promises—we have all heard them—you can keep your doctor, you can keep your healthcare plan, and premiums are going down. Specifically one that stands out more was the premiums going down \$2,500.

My Democratic friends want to ignore some of those numbers, but here are the facts: In 2014, premiums increased across the board 37 percent; 2015, again, last year, 25 percent. In fact, in some States, it is out of sight. In my home State of North Carolina, it is 40 percent. But in some places, in Arizona, it is as high as 116 percent.

So the process of working to put this together, the RSC plan and the repeal and replace, who better than to have people that have experience in this? There is maybe nobody better in the House who has the insurance background than our friend, Representative AUSTIN SCOTT from Georgia's Eighth District.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. AUSTIN SCOTT).

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, there is something I very much want to speak on. I rise today on behalf of my many constituents back in Georgia's Eighth Congressional District who have been negatively impacted by ObamaCare.

It is pretty clear to the vast majority of us that the attempt to fix our Nation's healthcare problems by inserting more Federal control into the system has simply failed. There are some counties in the district that I represent in middle and south Georgia that are down to just one—maybe two—insurance providers that people can choose from. That is not competition, and that is not affordable. It is not even a choice really, and it is certainly not “if you like your plan you can keep it.”

My colleagues and I on the Republican Study Committee have worked for a couple of years, and we have offered a plan to repeal ObamaCare and replace it with patient-centered reforms and free-market solutions for American citizens.

The American Healthcare Reform Act is not just about repealing ObamaCare. It is about fixing problems that existed in the healthcare system before ObamaCare and problems that, quite honestly, were made worse by ObamaCare. There is a lot of talk about what is in the bill that is a problem. I would like to talk just a second today about what is not in the bill that is a problem.

Mr. Speaker, the President, by leaving the health insurance industry ex-

empt from the antitrust laws of the country, created a bigger problem than we had prior to the healthcare bill going in place. That's right. I want you to hear what I said. Under ObamaCare, health insurance providers are exempt from the antitrust laws. These are the very laws that are designed to promote competition for the benefit of the consumer.

How is it that ObamaCare can mandate that Americans purchase a product from an industry that that very bill left exempt from playing by the rules? Why did the President and the Democratic leaders leave the health insurance industry exempt from the antitrust laws in the bill? I have asked these questions over and over. It is baffling to me. It means the big boys can play and the little man has to pay.

I wish somebody from the press would ask that question. I don't understand why the press doesn't ask the Democratic Party: Why did you leave the health insurance industry exempt from the antitrust laws of the country? It is a question the President should answer.

The American Healthcare Reform Act reverses that. Our legislation injects much-needed competition into the health insurance marketplace by eliminating the antitrust exemptions for the insurance providers. By applying the antitrust laws to the insurance industry, we are making the market more competitive which, in turn, will drive down premium cost, increase choice, and does so without adding any new taxes.

I hope the American Healthcare Reform Act will serve as the baseline for discussions on how to repeal and replace ObamaCare, bring about debate on how to lower healthcare costs, and allow for input from both sides of the aisle, which is something ObamaCare did not do. Along the way, Mr. Chairman and Mr. Speaker, I sure do wish the press would ask the President and the Democratic leadership: How could you do that to the American citizens?

Mr. WALKER. Representative SCOTT, well articulated. I appreciate your heart on this.

Looking at this and tackling this project because of the 2,600 pages of complexities, I guess we don't need to reiterate it, but how the minority leader said that we needed to pass this law to be able to figure out what is in it.

□1930

Obviously, it is more than just a running joke. With the people in the background, what does it take to kind of wrap our minds around it and to wrap our arms around it so as to find our way back? It takes people with medical experience, and it takes people with budget experience. This is going to be huge.

One of the Members we have here with us tonight is the vice chair of the Committee on the Budget, someone who has great concern about the damage that this has caused to the fine

folks of Indiana, whom he represents. It is my privilege to yield to the Representative from Indiana, TODD ROKITA.

Mr. ROKITA. I thank Chairman WALKER for organizing the time tonight, and I congratulate the gentleman on leading this organization. I look forward to working with him.

Mr. Speaker, we could all stand up here and take the barbs that have been leveled by some as to how we don't care about people or how we are this or that or how we are just focused on the numbers. Nothing could be further from the truth. We could sit idly by and watch this terrible, insidious law continue to implode, to continue to hurt more and more Americans—insidious because it is built on lies, like you can keep your doctor if you want to, like you can keep your health plan if you want to—not true in any case. Instead, we are here tonight, talking with the American people about “what could be” when we first get rid of this terrible law—something that many of us have voted on 60 times or more to do. We now have a real opportunity with not only a Republican House, but a Republican Senate, and with a President who is willing to work with us.

The verdict is in. In Indiana alone and in my district, I have met person after person who has horror stories about the failure of ObamaCare.

I spoke with Anna, whose husband, Jack, survived stage IV cancer. With Jack's cancer only having a 30 percent survival rate, it is crucial that he has effective doctors who know how to treat and how to work the problem. Instead, Anna's doctor quit practicing medicine—well before his planned retirement age—due to the burdensome costs of ObamaCare, which is something that the gentleman from Georgia also mentioned.

It is not just doctors who are unable to perform their duties—their profession—under this insidious law, but also insurance companies that are withdrawing from the market as we speak. Last year alone, we saw Indiana's exchange lose 50 percent of its health insurance carriers due to regulations of ObamaCare. This included IU Health, which covered almost 30,000 Hoosiers. This lack of options means that healthy Hoosiers are being forced to pay for coverage that they don't want, that they don't need, and that, in fact, may do more harm than good.

I spoke with Mark from Tippecanoe County, in my district, who talked about the harmful impact of ObamaCare. He stated that he was forced to buy insurance with only four doctors listed as providers for the entire county. What good does this insurance do Mark or the rest of us if he can't even use it and schedule an appointment?

I am very proud to have worked on this Republican Study Committee with the Health Care Task Force, led by my good friend, Dr. PHIL ROE of Tennessee. Over a period of a year or so, we have

put together a plan that is a very real, patient-centered, consumer-focused, free market-driven replacement for ObamaCare, but with one big difference—our plan would work because it harnesses the value that we all have innately as Americans and, really, as humans, which is the ability to value price once we have the information.

If I left this Chamber and, God forbid, I broke my leg on my way down the steps, I wouldn't worry too much about where I was going—just to the nearest emergency room. But that is not most of our healthcare transactions; that is not most of our healthcare decisions. Most of our healthcare decisions can be made by attaching value to the services and products that we want. We do it in every other part of our consumer-driven life. Why can't we finally do it with health care? That is what people like Dr. PHIL ROE have practiced in medicine their entire lives. That is what he has taught me. That is what we know as American consumers. Why can't we be trusted to do that with our health care?

Whether the intent is malicious, whether the intent is malign, the intent of the people who support ObamaCare—that insidious law—is wrong. It says: just give your life over to these few people, and let them run it for a while, and everything will be fine. Unfortunately, throughout not only American history, every time it has been tried here and every time it has been tried in world history, it has failed. Control over the individual has failed, and it will do the same, as we are seeing every day now, with regard to our health care.

Let's repeal this insidious law, and let's get back on the track of replacing it with something that we all can trust, beginning with ourselves.

I thank the chairman for his leadership.

Mr. WALKER. I thank Representative ROKITA.

Mr. Speaker, as I was sitting here, I just received a text from a volunteer fire department official right outside of Charlotte, North Carolina. He writes that they were watching the proceedings this evening:

I just want to let you know that even my drug prescription has gone up \$200 out of pocket per person.

He has three daughters in his family.

Think about this. This is real-life stuff. That is why we are stepping in. Part of our plan in the repeal and replacement—the American Health Care Reform Act—allows you to have immediate access to your health savings account. You would not have to worry about somebody's needing a prescription or somebody's needing medicine—one of the children—and, every time, it is \$200 out of pocket. That is why it is important to move—and to move with diligence.

Someone who knows a little bit about the healthcare industry is my friend Dr. BRIAN BABIN of Texas, who has been dealing with this in his own

dentist's practice. He is a former veteran and is someone who cares about his district but who cares about all Americans. It is my privilege to yield to my friend from the great State of Texas, the Lone Star State, Dr. BRIAN BABIN.

Mr. BABIN. I thank the gentleman from North Carolina, my good friend and RSC chairman, MARK WALKER, for this Special Order opportunity tonight.

Mr. Speaker, Americans are hurting right now with their health care. ObamaCare supporters are quick to point out some Americans who have actually been helped by ObamaCare. After spending over \$1 trillion of borrowed money, I would certainly hope that there are at least some people who have been helped by this terrible law that was forced on us over 6 years ago by the Democrats and without one single Republican vote.

Thousands of my constituents are demanding to be rescued from ObamaCare. They have shared their individual stories with me about how it has hurt them—higher premiums, excessive deductibles—how it has disrupted cancer treatments, forced them to change doctors, and how it has even cost many their jobs.

Here is what real people are saying—my constituents. This is what they are telling me:

A young couple with three children, living in Tyler County, Texas, shared how their premiums have gone up year after year. They began with a \$900 monthly premium and with a \$2,500 deductible. The very next year, the premium went to \$1,100, and the deductible went up to \$5,000. Then, in 2015, they were forced from a PPO into an HMO at \$1,000 a month with a \$6,600 deductible. These are individual deductibles. That is \$33,000, plus the \$12,000-per-year premium. That is an extraordinary burden on a young family. This family tells me about their problem every time they see me, and they see me a lot because this is my daughter and my son-in-law and my three grandchildren.

Gale in Deer Park, Texas, and Alisa from Crosby, Texas, wrote to tell me how their ObamaCare mandates have forced their employers to cut their work hours. They are losing hundreds of dollars in income each and every month. This 30-hour mandate means that this college student has lost out on hundreds of dollars in pay that she could have earned over the recent Christmas break.

Tim in Baytown, along with several others, wrote to share with me that it cost him his job. Paul from Harris County and Frank in Jasper shared how they have been significantly experiencing higher costs and a decrease in coverage. Roy in Pasadena says that his deductible is now over \$12,000. Ben and Carol, like thousands of others in southeast Texas, have had their healthcare plans canceled.

This calamitous unaffordability and poor coverage have inundated folks ev-

erywhere, like Linda in Vidor, who have to choose between their medications and food; like folks in El Lago—David and Sheryl—and Brian in Houston. It continues to tragically affect folks every single day. Sharell from Jasper County has faced a doubling of her premiums, and Carol in Baytown shared how she has seen substantial increases in her premiums and her deductibles.

Retirees who have worked their entire lives, like Jack from Orange and Glenda from Hardin County, wrote to tell me how they are finding it difficult to afford their healthcare costs. Let's not forget that ObamaCare cut hundreds of billions of dollars and services from Medicare, hurting the elderly.

Many who are sick have reached out to me, such as Randal of Harris County, who had their medical treatments disrupted by ObamaCare. I hear all the time the firsthand accounts of hard-working folks who are at their wits' end under this monstrosity.

I am voting to repeal ObamaCare in order to provide relief to Brian, Brad, LaLa, Gale, Alisa, Abby, Tim, Paul, Frank, Roy, Linda, David, Sheryl, Brian, Sharell, Carol, Jack, Glenda, Randal, and the tens of thousands more Texans just like them.

Perhaps Paul in Deer Park sums it up the best:

It made it worse for me. It increased the costs, and it decreased my coverage.

That is the story I have heard for 6 long years, and it is why this failed program must be repealed and replaced with a plan that restores healthcare freedom to all Americans—health plans that are affordable and that meet their families' needs—a plan that they choose, not the Federal Government. Americans need relief now.

Mr. WALKER. I thank Dr. BABIN. I appreciate that spirited, heartfelt talk. In my previous vocation, we would usually call for an invitation at about this time.

Mr. Speaker, this is not just a problem in red States; this is a problem in blue States, like it is with my good friend from the First District of California, Representative DOUG LAMALFA, to whom I yield as he shares a little bit of his heart when it comes to ObamaCare and the repeal.

Mr. LAMALFA. I really want to thank Chairman WALKER of the RSC, the Republican Study Committee. I greatly appreciate the gentleman's leadership on this event here tonight as well as the great job the gentleman is doing on the Committee.

Mr. Speaker, we have had alternatives to the Affordable Care Act ever since I have been here. The American Health Care Reform Act, as put forward by the Republican Study Committee, has many of the elements we have all been talking about for several years: with the Affordable Care Act being forced upon Americans not in a bipartisan effort but strictly by the votes of one party when they had the majority—the ability—to force it

through. We are suffering the effects of that now.

One of my colleagues earlier was talking about: Why isn't this being reported? Why isn't this being talked about in the broad sense of how it is really affecting the Americans who are paying for it?

People in my district, ever since I have been a Member of this House, have been pleading with us to do something about these high premiums, about the high deductibles, about the lack of access they have, especially in rural areas. Why are the proponents continuing to prop this up? It is clear that it doesn't work: higher costs, fewer options, unworkable plans. The exchanges—we have watched in several States—most of them, after billions in investment, are shuttering; they are closing up shop. Where do those billions go that we have invested as a country into these exchanges?

□ 1945

But on a patient level, it is putting even more of our most vulnerable patients on a system already known to be unsustainable without even ensuring access to quality care. In some cases, no care at all.

How are people defining that as a success?

We know that the main reason why so many people are uninsured is the high cost of coverage. But instead of investing vast amounts of money to bring more people into a broken system, let's take this opportunity to start fixing the root of the problem.

One, this is done by increasing competition, giving patients more options, choices. Mr. Speaker, give them a menu of options they can pick themselves, tailor the plan to what they need. A 20-year-old young man has a completely different need than a 30-year-old mom and her family. Let them have the choices.

Also, let's get rid of the costly mandates, the taxes. There are taxes on everything, it seems, to help prop up ObamaCare, the Affordable Care Act, including the cost for students for college. They are paying for some of that.

Then let's build off successes that we have seen in the past and that are part of the proposal of the Republican Study Committee and the American Healthcare Reform Act. That could help fill our gaps in the healthcare delivery system.

Community health centers, for example, is a model that is both cost effective and efficient in expanding access to care services in underserved areas, very rural ones, such as my own district at home.

Healthcare reform affects the lives of every single person in this country, which is why it is high time that we put the health and well-being of the American people ahead of partisan politics and legacies.

Let's get to work and deliver actual solutions that empower patients, drive down the costs, and increase access to

care in every part of the country. Let's give back to Americans: "Keep your plan that you like, keep your doctor that you like."

So it is time to stop the partisan squabbling over it and the deception that has gone on for what is indeed for some a bad legacy of the American people.

Mr. WALKER. Mr. Speaker, I yield to the gentleman from Florida (Mr. YOHIO), our resident veterinarian in the House.

Mr. YOHIO. Mr. Speaker, I thank the gentleman from North Carolina (Mr. WALKER) for hosting this Special Order. The American people have spoken, and it is time. The ACA, the Affordable Care Act—which it is not, and we know that.

I want to take you back, a little history here. Back prior to 2009, before the Affordable Care Act came out, 85 percent of the people in America had health insurance either through their employer or on their own. Fifteen percent did not have health insurance.

Yet, Congress, in their infinite wisdom, instead of fixing it for the 15 percent and getting them into the pool of people that had health insurance, said: No; we are going to change it. We are going to change it and disrupt the whole healthcare market and 20 percent of our economy.

This is the epitome of legislative malpractice. This Congress was controlled by one party, the Democratic Party, through the House, the Senate, and the executive branch. They passed a 2,900-page bill at the end of the year that nobody read. You can't do that in any other business without going to jail.

President Obama sold us a bill of goods on a lie. If you want to keep your doctor or your insurance, you can and your price will go down \$2,500.

Let me share three real-life stories. One was a 54-year-old man that came into our office, single, making a six-figure income, could afford insurance. He was going through the exchange. He changed his plan and wanted to pay for it right then. They said: Don't worry about it, we will send you a bill. They never sent him a bill, and his insurance got canceled. He could not buy insurance because it was through the exchange and the sign-up period had expired. He got fined whatever the fine was. He got fined trying to do the right thing.

Another one is a friend of mine who owns a restaurant franchise. He has 500 employees. He says: I can't afford to pay for the health insurance. So he moved people from working 32 or 40 hours a week down to 26 hours.

I could tell you a real personal story about a couple I know real well. They came to Congress. Their policy got canceled. Their premiums went up by over \$11,000. Their deductibles went up and their coverage went down. I know that couple real well because it is my wife and myself.

The American people have spoken and given us the majority for a reason,

and that is to fix health care and allow the best healthcare providers, the best medicine, the best research and the institutions in America to provide that for all Americans and deliver that care to all Americans.

The Republican Congress has a better way, and it starts with putting health care back into the hands of the physicians to the patients. It has a better way increasing access, the cure, the quality at a lower cost with a stable transition so no one is left out. And it starts with the repeal of ObamaCare.

I appreciate Chairman WALKER doing this. This is a message we are going to drive home and home and home. We are going to fix this, and the American people will be better off and our economy will be better off.

Mr. WALKER. Mr. Speaker, we talk about numbers. Twenty-five percent of all Americans have been damaged at some point under this Affordable Care Act. We cannot look the other way.

One gentleman who doesn't look the other way but stands up and speaks the truth is Representative PETE OLSON.

I yield to the gentleman from Texas (Mr. OLSON).

Mr. OLSON. Mr. Speaker, my friend knows the American people spoke on November 8th. They gave our party control of the entire Congress and the White House because of the job-killing, promise-breaking law known as ObamaCare.

This was a repeal mission for almost 7 years, but now it has become a rescue mission. It is to rescue Americans like Andrea from my home in Texas in the 22nd Congressional District.

She wrote me this letter last week:

"I'm a 42 year-old legally blind single parent in Sugar Land, self-employed working very hard to rear two great kids ages 15 and 13. I have a master's degree in education and work extremely hard to provide a stable, comfortable life for the kids. In doing so, I have invested time and money into my own healthcare because the kids need me to be healthy.

"I lost my right eye a few years ago to complications from ROP (too much oxygen at birth) and my left eye is severely impaired with potential for complications that would need immediate specialized care.

"I have different specialist doctors for different issues related to each eye. Additionally, I am a kidney cancer survivor (RCC) which also requires specialist follow-up. For those reasons, and others, I've spent time and effort getting drivers to take me to specialists to develop rapport, trust, and history with specific physicians.

"They are the best doctors in their respected fields, and my trust in them is important with this type of care.

"I don't have the PPO option now for my healthcare in 2016 through the ACA. The HMO's and EPO's being offered are not being accepted by my doctors.

"... among the needs of many others in similar situations as my own,

my remaining eyesight and renal function should never be less important than anything in politics. And while I know that there are many, many people in this same boat, for today, while I write this letter, it's about my kids getting to keep their mom and about me keeping the ability to see them grow up.

"I write because it needs to be said and needs to be heard and needs to be ACTED on.

"... in the past I've paid a lot and had my share of insurance issues, but at least I could choose my own doctor. At least in crisis (which I've had) I went straight to the doctor who knew me and my history and they could resolve it without a referral and delay after delay after delay.

"HMO might work for some, but not for those who don't want one.

"I'm not asking for a hand-out. I am asking for reasonable choice of a basic PPO for which I have paid for in past and am asking to have the option to pay for now. I'm not writing just to vent—I'm asking for some kind of solution to this train wreck of healthcare options or lack thereof.

"If President Obama thinks this is actually working, he's more blind than me."

Andrea, we have a plan to help you up. It is called A Better Way. How about this: Allow coverage across state lines, expand opportunities for pooling, make coverage portable, Medicare laws reformed, and preexisting condition protections.

That is a better way. That is what the American people deserve. We will keep fighting for Andrea and people like her.

Mr. WALKER. Mr. Speaker, who better to close out our Special Order than a gentleman, a doctor who has employed hundreds of people and has worked with thousands of patients?

You may have heard the false narrative that, yes, we have contributed in breaking the program, from the Democrat's perspective, and you guys need to fix it, but you don't have a plan.

Well, that is a false narrative and here to tell you why is Dr. PHIL ROE.

I yield to the gentleman from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. Mr. Speaker, I stand here in the well of the House tonight remembering 8 years ago when I stood here. I am the only one, other than PETE OLSON, that was here that has spoken tonight.

I actually left my medical practice of 31 years. I have been a physician—it is hard to believe—46 years. I ran for Congress because I wanted to be involved in the healthcare debate. I realize that the American people needed healthcare reform.

One of the most disappointing things I have had since I have been in the U.S. Congress was, when I showed up here, I naively thought that people cared what I thought. I found out I was wrong about that.

We had nine physicians in the Doctors Caucus on the Republican side in

2009, and not one of us was asked one thing about that healthcare bill. Not one Republican amendment to that bill that would have made it better was ruled in order.

So it was passed on one-party rule, and now the Democrat party owns it. Unfortunately, patients own it. And that is what I came here to do, was to try to help people.

I had spent 31 years of my life in the small town of Johnson City, Tennessee, practicing medicine and trying to do a good job for patients that I saw every single day.

You have heard it many times before: If you liked your doctor, you can keep it. We are going to reduce your premiums by \$2,500.

The President also said that I will go over this bill line by line with anyone who wants to. We asked to do that on multiple occasions, and I am still waiting for my cell phone to ring.

So we have heard over and over and over again that the Republicans have no ideas. Two Congresses ago we were challenged and asked to write a Republican alternative to the Affordable Care Act, and we did just that.

I want to show you out there tonight—those of you who are watching—this is the bill right here. It is a 184-page bill. You can read it in an hour or so or less than that.

I read the entire Affordable Care Act. I felt like I should. I didn't pass it and see what was in it. I actually read it ahead of time.

We had healthcare reform in Tennessee in the nineties called TennCare. I wrote the epitaph on this bill with MARSHA BLACKBURN in 2010, if anyone is interested in reading that.

So what did we do with this bill?

With the Affordable Care Act, the Federal Government said: You will purchase 10 essential health benefits or your insurance is no good. You have to get rid of it.

And this 10 essential health benefits cost, in many cases, is a lot of money.

Then what do we do?

We passed a tax, a mandate, a fine, a penalty, whatever Judge Roberts decided he wanted to decide that it was, or define it, I should say. But here we are passing a mandate for people to purchase something they can't afford. I find that astonishing that you tax people for something they cannot buy.

So what our bill did was repeal the Affordable Care Act. It then massively expanded health savings accounts. Look, there are Indian tribes out there that use the Indian Health Service that can't have an HSA. There are disabled veterans that can't have an HSA. There are retired people that can't have HSAs. We expanded that. I have used them in my own practice for patients. I use one myself.

We used high-risk pools, and we expanded ERISA benefits to help offset preexisting conditions. Quite frankly, I think in two paragraphs I could have done two-thirds of what the Affordable Care Act did, which is expand Med-

icaid, which is a system that needs to be reformed, and allowed 26-year-olds to stay on their parents healthcare plan.

□ 2000

We also allow you to buy across State lines with association health plans, malpractice reforms, and transparency. It is a very simple, patient-centered bill. We have said this before, our bill is open for amendment. If a Democrat has a good idea, I am open to listen to it. The main thing is I want patients and doctors to be in charge of their healthcare decisions.

Mr. Speaker, I appreciate the opportunity to be here tonight, and I look forward to going into much more detail about the details of this particular bill.

Mr. WALKER. Mr. Speaker, the bottom line to the American people is this: it is time to return healthcare choices to the American people.

God bless and good night.

Mr. Speaker, I yield back the balance of my time.

#### PRESIDENT OBAMA'S LEGACY

The SPEAKER pro tempore (Mr. FITZPATRICK). Under the Speaker's announced policy of January 3, 2017, the Chair recognizes the gentleman from Arizona (Mr. FRANKS) for 30 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, one of the most important elements of this Republic is the ability of the people to understand and to remember the public actions and record of those they elect. This is vital to government accountability, to historical accuracy, and to the future direction of the future generations of this country.

So, Mr. Speaker, what follows is the record and legacy of President Barack Obama.

Last night, Mr. Speaker, President Barack Obama gave his farewell address to the Nation. In his speech, President Obama praised American exceptionalism for the very first time since his Presidency began. Unfortunately, Mr. Speaker, much of the remainder of the President's speech was far removed from reality.

Mr. Obama implied that his Presidency had increased trust and respect for America. Yet, the truth is that under Mr. Obama's Presidency, the trust and respect that both friend and foe alike previously had for America has been demonstrably diminished across the world. Mr. Obama, in fact, weakened our economy and led the most anemic military campaign in our history. So, Mr. Speaker, let us now recall the grand promise of candidate Barack Obama, bedecked with Greek columns and the rhetoric of bipartisan unity as it was, and let's compare it to the actual legacy of President Barack Obama, the partisan heckler at home and the lead from behind, apologize for America, academic abroad who was evermore eager to force Catholic nuns to buy birth control than he was to fight the ruthless butchers of the Islamic State.

Mr. Speaker, President Barack Obama has taken credit for a growing economy, but, after his failed stimulus, his was the worst economic recovery in the history of America. And his Presidency will be the first in modern times whose 8 years in office will fail to include even 1 year of 3 percent economic growth.

Under Barack Obama's Presidency, the number of long-term unemployed eclipsed 15 million for the very first time in history.

Today, 95 million Americans, the highest number in history, are now not in the workforce in America. And according to the latest numbers from the Census Bureau, household income fell by more than \$2,100 in inflation-adjusted terms; and 45.3 million Americans, the highest number in history, now live in poverty. More than 43 million Americans were receiving food stamps under Barack Obama, the highest number in history.

Barack Obama single-handedly added almost as much deficit to the national debt as all of the other Presidents in the 240-year history of the United States of America combined. And Standard & Poor's downgraded the U.S. Government from its AAA credit rating for the very first time in history.

Mr. Obama's signature policy achieved what was called the Affordable Care Act. As we have learned year after year, essentially nothing Mr. Obama said about the Affordable Care Act was true. ObamaCare contained over \$1 trillion in new taxes, which was the largest tax increase in history. Yet, millions remain uninsured. Healthcare costs have never been higher, and the entire debacle called ObamaCare is now catastrophically collapsing before our very eyes.

Mr. Speaker, Mr. Obama engineered the sequester on the military which had devastating consequences on our men and women in uniform and our ability to fight and win wars when necessary. Mr. Obama's was the opposite of a commitment to peace through strength.

When it came to justice at home, Barack Obama told us that adult male transvestites had the moral right and the legal right to go into the bathroom with little schoolgirls whether their parents liked it or not. He fundamentally sought to abrogate religious freedom in America. He weaponized the Internal Revenue Service, the Environmental Protection Agency, the Attorney General's Office, and the Justice Department against America's own citizens. It was and is the epitome of tyranny.

Mr. Obama unconstitutionally ignored and selectively applied America's immigration laws and illegally suspended immigration enforcement. He released 19,723 criminal illegal immigrants from prison into every State of the Union. These nearly 20,000 criminal illegal aliens were collectively convicted of over 60,000 crimes, including over 12,000 drunk driving convictions,

and over 8,000 violent crimes such as assault, rape, and murder.

Mr. Obama's actions endangered Americans and denied justice to the victims of their crimes. Mr. Obama bears a share of the responsibility for every crime that these criminals have committed or will commit against Americans since he released them from prison into American society.

But, Mr. Speaker, perhaps Mr. Obama's most egregious broken promise to all Americans is when he said: "I, Barack Hussein Obama, do solemnly swear that I will execute the Office of President of the United States faithfully, and will to the best of my ability, preserve, protect, and defend the Constitution of the United States." Since then, he has shown complete and open contempt for the Constitution.

Barack Obama blatantly stoked racial tensions in America, and, in the process, he painted a deadly target on the backs of the noble men and women in blue who risk their lives every day to protect the innocent citizens of this Nation.

Barack Obama consistently subjected Americans to condescending lectures. If we opposed ObamaCare, we didn't want people to have health insurance.

If we opposed wasteful stimulus spending, we hated schoolteachers and firemen.

If we opposed the nuclear deal with Iran, we were compared to terrorist-sponsoring Iranian mullahs.

If we believe in God and exercised our Second Amendment right, we were bitter.

If we didn't believe in open, unsecured borders and vetting those who came into this country, we were un-American.

If we believed in protecting unborn baby girls from being killed simply because they are little girls, we were waging war on women.

And Mr. Obama was also fond of using politically correct euphemisms and constantly using them to distort nearly every issue.

Evacuation of our Embassy in Yemen was "a reduction in staff."

Terror attacks are "man-caused disasters."

The global war on terror is an "overseas contingency operation."

An Islamic terrorist murdering 13 American soldiers is "workplace violence."

Terrorists beheading children, crucifying women, and burning men alive in the name of Islam are "individuals from various religions" who practice "hateful ideologies."

Veterans, pro-life groups, and States' rights advocates were listed as "at-risk" to become domestic terrorists.

Mr. Speaker, from day one, Barack Obama considered the cold war a giant misunderstanding. He did his famous reset with Russia and then turned and caved into everything that they wanted. Mr. Obama's policies of weakness and appeasement yielded Crimea, the South China Sea, the rise of the Is-

lamic State, the return of Iran, and the unspeakable desecration of thousands upon thousands of innocent people in Aleppo where the result to date is now where 4 million refugees and 400,000 people are dead. And during the so-called Arab Spring, the Obama administration sided with the Muslim Brotherhood in Egypt.

At the end of the Obama administration, the only countries in the world that we have better relations with are Iran and Cuba—and even that has been entirely on their terms.

Mr. Speaker, the average number of innocents killed by terrorists before the Obama Presidency was approximately 3,000 per year in the world. Now, under Barack Obama, it is probably 30,000 every year. Mr. Obama labeled the Islamic State a junior varsity team, and then stood by with a golf club in his hand while ISIS raped, butchered, and beheaded its way across Iraq, selling little, 6-year-old girls into slavery, burning people alive, and perpetrating a genocide against Christians and Yazidis. The Islamic State now keeps an estimated 3,000 girls and women in sexual slavery while Mr. Obama runs out the clock on his term of office and hands the fight against ISIS off to the next President.

Because of his delusional negotiation and acquiescence, the Islamic Republic of Iran, the number one sponsor of terrorism in this world, may place the finger of jihad on the launch button of an entire nuclear arsenal; and America's children and future generations may thereafter be forced to live their lives in the shadow of nuclear terrorism.

Mr. Obama stood before a group of thousands of supporters of Israel and proclaimed: "When the chips are down, I have Israel's back." But then as President, he blatantly refused even to acknowledge Jerusalem as Israel's capital and consistently expressed more open rebuke toward Israel than he did toward Iran for building an entire nuclear effort to some day threaten the world.

I am going to say that again, Mr. Speaker.

As President, Mr. Obama blatantly refused to even acknowledge Jerusalem as Israel's capital. And he consistently expressed more open rebuke toward Israel for building houses in its capital city than he expressed for Iran's efforts to build nuclear weapons with which to existentially threaten Israel along with the peace and security of the entire human family.

In the political safety of his lame-duck, he orchestrated and failed to veto a resolution that undermines Israel's very right to exist. Mr. Speaker, it was a cowardly act of political treachery that disgraced the United States, and it will send Barack Obama's name down the corridor of history as on overt traitor to the State of Israel.

When the Security Council Quartet meets on January 15 and the full United Nations Security Council meets

on January 17, I am gravely concerned that Barack Obama will overturn U.S. precedent going back to Lyndon Johnson and use the opportunity to stab Israel in the back one final time by allowing the anti-Semites at the U.N. to attempt to redraw the map of Israel to indefensible pre-1967 borders, which would leave the only Jewish state less than 9 miles wide.

Mr. Speaker, no government leader has any greater responsibility than that of protecting the innocent. Yet, Mr. Obama stood by and allowed not only ISIS, Boko Haram, Russia, and Syria, but also Planned Parenthood to brutally desecrate the innocent on a horrific scale.

□ 2015

President Barack Obama went to great efforts, against taxpayers' wishes, to give billions of taxpayer dollars to Planned Parenthood to expand abortion on demand in America and throughout the world and to proactively promote policies to allow the indiscriminate killing of these, the most defenseless of all human beings.

As President, he appointed an empire of radically pro-abortion judges and government bureaucrats. When he was in the State legislature, Barack Obama actually voted "no" four times on a bill that would have protected babies after they were born alive.

In the U.S. Senate, Mr. Obama voted "no" on a bill that would have prohibited someone from taking a minor child out of State for an abortion without even notifying the child's parents.

He vowed to veto the Prenatal Nondiscrimination Act, which would prohibit discriminating against an unborn baby girl by subjecting her to abortion simply because she is a little girl instead of a little boy.

He promised to veto the Pain-Capable Unborn Child Protection Act, a bill that would have protected both mothers and their little pain-capable babies between the beginning of their sixth month of pregnancy from the unspeakable cruelty of Planned Parenthood and evil monsters like Kermit Gosnell.

Mr. Speaker, perhaps most astonishingly, Barack Obama, the President of the United States and the leader of the free world, wrote a letter to Congress and said he would veto the Born-Alive Abortion Survivors Protection Act to protect breathing, crying, kicking, born-alive human babies if it ever reached his desk.

Mr. Speaker, could not the President have agreed that little human babies who survive abortion and are born alive should be protected?

President Barack Obama's record is crystal clear. For his entire political life, he has strongly supported the full legalization of abortion on demand throughout all 9 months of pregnancy, for any reason or no reason, including sex selection, throughout all 9 months of pregnancy, and forcing American taxpayers to pay for it whether the taxpayers liked it or not.

Under Barack Obama, nearly 9 million innocent, defenseless little American babies were aborted before they ever saw the first smile of their mother.

Ironically, President Obama was in the unique position, perhaps among all other Presidents in history, of bringing this country together to protect these helpless little children. Yet, as the most powerful human being in the world, Mr. Obama chose to become the most powerful enemy of the most helpless human beings in the world. And nothing will stain his legacy or his claims of looking out for the little guy with more shame than going down in history as the "Abortion President."

Mr. Speaker, it gives me no pleasure to lay out this record. I truly and sincerely hoped for God's best for Barack Obama when he took office. I wrote him a letter, hoping that he would be remembered as someone who stood up for the Constitution and stood up for the innocent.

But in a Republic like ours, where the people are the final arbiters of our public policy and where those who would subvert this Republic consistently resort to deception and historical revisionism, an accurate record is vital to our Nation's survival and its future generations.

So, alas, Mr. Speaker, I am afraid Barack Obama tragically wasted his precious and historic opportunity. However, this is the true record of President Barack Obama and, to paraphrase William Wilberforce: We may choose to look the other way, but we can never again say that we did not know.

Mr. Speaker, Under President Obama, as of 2015, Democrats lost 900+ state legislature seats, 12 governors, 69 House seats, 13 Senate seats. Mr. Obama lost more U.S. Senate and U.S. House seats than any president since FDR. I would suggest this was not caused by a lack of political skills. It was Mr. Obama's policies and his attitude toward democracy and the Constitution that were so devastating to his Democrat party.

From the beginning of his presidency it was President Obama's theological conviction that America needed to be transformed into something far afield of the founding fathers dream.

Last night the President gave his farewell address to the country. In his speech, President Obama praised American exceptionalism for the first time in his presidency. Unfortunately Mr. Speaker, much of the remainder of the president's speech was far removed from reality.

Mr. Obama implied that his presidency increased America's wealth and power and respect. The truth is that under Mr. Obama's presidency, the trust and respect from both friend and foe for America has been demonstrably diminished across the world. Mr. Obama in fact weakened our economy and led the most anemic military campaign in our history.

One of the most important elements of this Republic is the ability of the people to understand and remember the public actions and record of those they elect. This is vital to the future direction of future generations of this country.

So I come before the House today in order to lay out, and call for the American people to reflect upon, the true record of Barack Obama's Presidency.

During this crucial moment of self-reflection happening in our great Republic, it is incumbent upon us to look back over the past eight years to fully comprehend what are the wages of two full terms of Progressive governance under President Barack Obama. Because Mr. Speaker, if Hillary Clinton had been elected president, the left-wing, mindset to ignore the foundations of this nation, the Constitution, and so many millions of those it was designed to protect, would have continued unabated and this Republic may have been lost.

Mr. Speaker, I solemnly wonder if America as a nation and Americans as individuals truly comprehend how close we came to actually losing this Republic and the founding fathers dream during the last election.

As Americans soberly reflect on that reality, let us now recall the grand promise of candidate Barack Obama, bedecked with Greek columns and the rhetoric of bipartisan unity as he was, and compare it to the actual legacy of President Barack Obama—the partisan heckler at home and the lead-from-behind, apologize for America, academic abroad who was ever more eager to force Catholic nuns to buy birth control than he was to fight the ruthless butchers of the Islamic State.

So Mr. Speaker, what follows is the record and the legacy of Barack Hussein Obama:

#### ECONOMIC GROWTH

Obama's presidency will be the first in modern times whose eight years in office will fail to include at least one year of 3 percent economic growth.

Mr. Obama has taken credit for a growing economy, but after his failed stimulus, his was the worst economic recovery in history.

Using the broadest measure of economic progress, growth in output, the growth rate over the first 25 quarters under Reagan was 34 percent versus 14.3 percent under Obama.

Yet, Under Barack Obama, the growth of a ravenous Leviathan called the federal government, grew larger and larger in scope and in power every single year he was president.

#### UNEMPLOYMENT

Under Barack Obama's presidency the number of Long-Term unemployed eclipsed 15 million for the first time in history.

As the Los Angeles Times notes, "The longer people remain jobless, the more likely they are to suffer the scarring effects of unemployment that can hurt their earnings permanently and create a cycle of instability."

#### WORK FORCE PARTICIPATION

The percentage of people participating in the labor market in January fell to 62.7 percent its lowest rate in 31 years.

On his watch, the number of people forced to work part time for economy reasons eclipsed 8 million for the first time in history.

On his watch, the average time it takes Americans to find a job reached the highest total in the history of the statistic being measured.

The unemployment rate among African Americans was nearly double what it was for white Americans

And today 95 million Americans, the highest number in history, are now not in the workforce in America.

#### INFLATION

Under Barack Obama, American Families faced Higher Costs on Nearly Everything:



Spending on gas, groceries, utility bills and health insurance premiums skyrocketed.

However Wages were Down: according to the latest numbers from the Census Bureau household incomes fell by more than \$2,100 in inflation-adjusted terms."

#### TAXES

When it came to taxes, Barack Obama said, "No family making less than \$250,000 a year will see any form of tax increase." He said that he "Will eliminate all income taxation of seniors making less than \$50,000 per year. This will eliminate taxes for 7 million seniors—saving them an average of \$1,400 a year—and will also mean that 27 million seniors will not need to file an income tax return, at all."

However, Mr. Speaker, Obamacare alone contained at least 20 new or higher taxes on American families and small businesses, representing over \$1 trillion in tax increases, the largest tax increase in history. It has produced a crippling effect on the working and middle class. Mr. Obama's tax increases include the Individual Mandate Excise Tax, Employer Mandate Tax, Surtax on Investment Income, taxes on health savings accounts, a hike in the Medicare Payroll Tax, and the elimination of the tax deduction for employer-provided retirement prescription drug coverage.

#### POVERTY

Under Barack Obama the number of Americans living at or below the poverty line went up 5.5 million between 2008 and 2013. A record number of 45.3 million Americans now live in poverty.

Under Mr. Obama's presidency, the income gap between rich and poor reached its highest level in over 40 years, and the American poverty rate hit the highest level in the 52 year history of the statistic being measured.

#### NUMBER OF PEOPLE ON FOOD STAMPS

According to a report in the Washington Examiner, the number of Able-Bodied adults on food stamps doubled, from 1.9 million in 2008 to 3.9 million in 2010, when Mr. Obama suspended the work requirement.

On his watch, more than 43 million Americans were receiving food stamps, that's an increase of 23% since January 2009 and more than at any time in American history.

#### NATIONAL DEBT

Barack Obama said, "I will not sign a plan that adds one dime to our deficits, either now or in the future." And "Today, I'm pledging to cut the deficit we inherited in half by the end of my first term in office."

Yet the reality was that under Mr. Obama's presidency, America had the first \$1 trillion deficit in history. He raised the debt ceiling time and time again. He used scare tactics against seniors ("he said quote "cannot guarantee" Social Security checks will go out) as a means of getting way with another debt ceiling raise and Standard & Poor downgraded the U.S. government from its 70 year AAA credit rating for the first time in history.

He instituted Federal bailouts, including bailouts that went to hundreds of millions in executive bonuses. The Obama government alone was equal to the entire United States' population in 1776. And he robbed the children coming up around her knees of their economic future and placed them on the path to national bankruptcy in order to ensure his radical, big-government agenda was implemented. Barack Obama single-handedly added almost as much deficit to the national debt as all of the

other presidents in the 240 year history of the United States of America combined.

#### MILITARY READINESS

Mr. Obama engineered the sequester on the military which had devastating consequences to our ability to fight and win wars when necessary. The army is now the smallest it has been since Pearl Harbor; the Navy has shrunk to WWI levels; missile defense was cut every year he was in office, and the Pentagon was turned into a politically correct playground for social experimentation. During that same time, North Korea, one of the most dangerous police states in the world, tested nuclear weapons 5 times. Mr. Obama's was the opposite of a commitment to peace through strength.

The reason President Obama's legacy will be endless war is because America's enemies knew he never had the commitment or the will to win any war. So all they had to do was wait him out. And that's exactly what they did; and so many people suffered and died as a result.

When Mr. Obama was negotiating the New Start Treaty, he was caught on camera secretly asking Russian President Medvedev to "Give me more time until the elections". At least he meant for it to be a secret. Then after the elections he gave up far more that America got in return in that treaty, demonstrably diminished the strength of our nuclear deterrent and gave Russia a lopsided advantage over America in tactical nuclear weapons. I pray our children and grandchildren do not pay unthinkable price someday for the feckless and cowardly policy Mr. Obama negotiated.

#### JUSTICE AT HOME

When it came to justice at home, Barack Obama fundamentally sought to abrogate religious freedom in America and he weaponized the Internal Revenue Service, the Environmental Protection Agency, and the Attorney Gen.'s office and the Justice Department against America's own citizens. It was and is the epitome of tyranny.

President Obama turned the criminal justice system upside down. He commuted the sentences of 774 federal inmates which is more than the previous 11 presidents combined. He issued 590 commutations in the year 2016 alone, which is the highest in U.S. history according to his own White House. Mr. Obama pardoned a total of 148 people during his presidency and has shortened the sentences of 1,176 people, including 395 serving life sentences.

Yet during his presidency, in Mr. Obama's hometown of Chicago alone, a city where his policies on gun control are the strictest in the nation, there were nearly 800 murders this year alone which is the highest in history.

It was also Mr. Obama's administration that told us that mud puddles are navigable waters, that a tax is not a tax, that an exchange created by the federal government is an exchange created by a state, and that bureaucrats had more rights than parents to decide their child's education and that adult male transvestites had the moral and legal right to go into the bathroom with little schoolgirls whether their parents liked it or not.

#### ILLEGAL IMMIGRATION

Mr. Obama unconstitutionally ignored and selectively applied America's immigration laws perhaps because he saw those coming across the border into this country illegally, not as illegal immigrants, but as unregistered democrats.

President Obama never gained control of the border and in fact, Mr. Obama unconstitutionally ignored and selectively applied America's immigration laws and illegally suspended immigration enforcement. He released 19,723 criminal illegal immigrants from prison into nearly every state of the Union. These nearly 20,000 criminal illegal aliens were collectively convicted of over 60,000 crimes, including over 12,000 drunk driving convictions and over 8,000 violent crimes such as assault, rape, and murder. Mr. Obama's actions endangered Americans and denied justice to the victims of their crimes. Mr. Obama bears a share of the responsibility for every crime that these criminals have committed or will commit against Americans since he released them from prison into American society.

#### TERRORISM

When President Obama took office in January 2009, Iraq was a relatively stable nation. Iran was contained and ISIS did not exist. Now there is chaos throughout the Middle East. Vladimir Putin's Russia is in Syria, the Iranians have been unleashed, and ISIS has raped and butchered its way across Iraq declaring that there would be nothing for Christians but the sword and history will record that it was Barack Obama who willingly stood on the sidelines and knowingly let a genocide against Christians and Yezidis happen.

Barack Obama drew red lines he had no intention of enforcing, stood back and watched as Syria burned and Islamist radicals grew in strength until they exploded out of Syria to bring Hell on earth to the innocent men and women across the region. To date, the result is over 4 million refugees and over 400,000 people dead.

There are nine times more people killed in terrorist attacks today than there were in 2000. My colleagues and I earnestly warned President Obama and his administration of the dangers that Boko Haram and ISIS represented to innocent people in America and the world and pleaded with him to take actions to prevent them from desecrating the innocent. Mr. Obama casually dismissed our concerns related to both of those groups. His administration refused to call Boko Haram a terrorist organization and he dismissed ISIS as "Junior Varsity". My colleagues and I then repeatedly pleaded with Mr. Obama for over a year to resolutely respond to this insidious, murderous, hellish evil. I personally asked the president in an open video message if he did not realize "that by ignoring this monstrous, ideological evil, that you allow it to grow, and you ultimately invite it to exercise its desecration of the innocent within the shores of our own nation."

Yet, President Obama stood by casually, golf club in hand, and steadfastly refused ignored those entreaties. And terrorism did return to America and for the first time since 9/11, innocent Americans citizens were murdered by terrorists on American soil. Today Boko Haram and ISIS are responsible for 51 percent, of all terrorist fatalities in the world. Foreign intelligence agencies now estimate ISIS ranks are as large as 200,000 fighters from 90 countries. ISIS and its affiliates either control or hold influence in nearly 20 nations: Iraq, Syria, Egypt, Libya, Nigeria, Algeria, Morocco, Mali, Saudi Arabia, Yemen, Afghanistan, Pakistan, Lebanon, Russia, Bosnia, Philippines, Indonesia, and Malaysia.

Whether they manifested themselves as the Iranian mullahs, ISIS, Boko Haram, Hezbollah,

Hamas, or a dozen other names, Barack Obama refused to even call Global Jihadists by name and he fundamentally refused to marshal the resources of his presidency to bear on behalf of the thousands of helpless victims they slaughtered. It is a disgrace that leaves me without words to describe.

Mr. Obama released five of the most dangerous Taliban leaders along with other terrorists held in Guantanamo Bay including 182 violent prisoners who have been released from Guantanamo Bay, nearly 20 percent of whom returned to the battlefield to fight United States forces and interests the world over. Mr. Obama's "slap on the wrist" approach to national security needlessly added and continues to add to the dangers our men and women face in the fight against jihadist terrorism.

President Obama abandoned the Iranian freedom movement in 2009 when the citizens of Iran took to the streets to protest the rigged presidential election and to remove the Khamenei regime peacefully. He supported the release of the Lockerbie bomber. He supported Civilian trials for terrorists. Then due to those very procedural protections in civil court that prevented introduction of crucial evidence, that Mr. Obama had been specifically and repeatedly warned about in advance, the civilian trial for the evil terrorist Ahmed Ghailani led to his acquittal on more than 280 criminal charges of a man who openly admitted his terrorist activities. And Mr. Obama specifically chose not to prosecute the Muslim Brotherhood in the Holy Land Foundation trial when the evidence against them was absolutely overwhelming. One week after three Americans and our Ambassador were killed by Terrorists in Benghazi, Mr. Obama and his administration stood in front of flag draped coffins and lied to the American people about what really happened.

The average number of Innocents killed by terrorists before the Obama presidency was 3000 per year; now under Barack Obama it is thirty thousand per year. And the number of terrorists willing to blow themselves up to kill others is growing across the world. The chances of radical Islamists getting weapons of mass destruction are also growing.

IRAN

"President Obama's has been the leading apologist in the world for the Islamic Republic of Iran throughout his presidency. In his relentless quest for a nuclear deal with the Islamic regime of Iran, Mr. Obama simply chose to ignore the fact that Iran is the world's leading state sponsor of terrorism.

The notion that the only alternative to seeking a nuclear deal with the corrupt Khamenei regime is war is an illusion created by the Obama administration. Obama communicated directly to Tehran through secret back-channels his willingness to support Khamenei. The truth is that the oppressed majority of the Iranian people did not then, and do not today, support the Khamenei regime's nuclear program and in fact desperately want to be rid of this poisonous regime.

Mr. Obama, with the help of liberal Democrats in Congress and the embrace of the left, got his deal with Iran at all costs. The left embraced it. But did Iran open its doors to U.S. goods? No. The Ayatollah banned them. Did Iran renounce its support for terrorism? No. It renewed support for Hamas, sent troops to Syria and armed rebels in Yemen. Is Iran acting like a responsible regional power? No. In

blatant violation of U.N. sanctions, Iran is testing nuclear-capable missiles and firing rockets near U.S. ships. And when the U.S. threatened to respond to Iran's missile violations, did Iran back down? No. Iran's "moderate" president ordered his military to accelerate Iran's missile program. The Iranians believe Mr. Obama is a total pushover. Mr. Obama said he was promoting peace, but he really only projected weakness and the world's dictators took notice.

To pave the way for his insane nuclear agreement with Iran, Mr. Obama ordered the CIA to sever contacts with green movement supporters and even ended U.S. programs to document Iranian human rights abuses. It seems there was nothing the Mr. Obama was not willing to sacrifice upon the altar of the Iranian nuclear deal. To begin finalizing the Iran agreement, Mr. Obama brought in John Kerry and the same basic team which negotiated the nuclear deal with North Korea that paved the way for North Korea to gain the nuclear weapons they have today—North Korea, if you need to be reminded, is the same country which just this year conducted a nuclear test, an ICBM test, and a submarine launched ballistic missile test. From day one and the eight years that followed it has overwhelmed comprehension how divorced the Obama Administration has been from reality.

And Mr. Speaker, what exactly did the U.S. from the Iran Deal? A completely unverifiable and tacit agreement from Iran that it will not make a nuclear weapon in the next ten years. And that promise from the jihadist government of Iran was good enough for Barack Obama. And Mr. Speaker, what did Iran get out of the deal? The world's leading sponsor of terrorism received \$1.8 Billion in freed assets, a lifting of the arms embargoes in five years, the toothless U.N. ban on Iran missile development—which of course they are actively and continuously violating. And after eight years, Iran will [quote] "then be allowed to build an industrial-scale nuclear program, with hundreds of thousands of machines, after a ten year period of restraint." [end quote] In order to reach this agreement, Obama ordered the executive branch to cease categorizing Iranian human rights abuses, and now he has also illegally paid \$400 Million in ransom for American hostages abducted by the Iranian regime, he has ceded control of Iraq to Iran, he has ignored Iranian development of missiles capable of delivering nuclear weapons, and—most significantly—he has ensured the Iranian regime may legally develop nuclear weapons in the coming decade.

After the nuclear deal, Iran became only more arrogant and bold. They seized two American naval vessels, took ten sailors hostage, and only released them after the Administration apologized. An Iranian general said the seizure of our ships was a warning to Congress against imposing new sanctions for Iran's illegal nuclear missile tests. Iran's intent and track record is crystal clear to almost everyone it seems, but to President Obama.

The hallmark of Barack Obama's presidency has been that of weakening, disarming, diminishing and apologizing for the United States of America. For years many of us watched in utter disbelief at the great lengths to which the Obama Administration has gone in order to secure a deal at any price with Iran on their nuclear weapons program. He has capitulated on every red line and minimum requirement

that both he and the United Nations had required. He has now squandered away every form of leverage we had against this theocratic radical regime which has broken every promise it has ever made to us. The jihadist leaders of Iran came to the table with nothing and walked away with everything. And now, instead of making sure they never get a nuclear weapon, Barack Obama's politically motivated, peace-in-our-time capitulation has strengthened Iran's ability to foment terrorism throughout the world as it has for the last 40 years. And, now, because of his delusional negotiation and acquiescence, this Islamic Republic of Iran, the number one sponsor of terrorism in the world, has become a nation on a path (cleared for them by President Barack Obama) to obtaining a nuclear weapons capability. Indeed, Mr. Obama's actions may place the finger of Jihad on the launch button of an entire nuclear arsenal; and America's children and future generations may thereafter be forced to live their lives in the shadow of nuclear terrorism.

#### CONSTITUTION

Perhaps Mr. Obama's biggest broken promise to all Americans was when he said, "I, Barack Hussein Obama, do solemnly swear that I will execute the office of President of the United States faithfully, and will to the best of my ability, preserve, protect, and defend the constitution of the United States. Whether we're talking about Obamacare, or Mr. Obama's administration weaponizing the IRS to target conservative groups, seizing the phone records of the Associated Press, suggesting that Fox News reporter James Rosen was a criminal without evidence as an excuse to monitor his phone and e-mail, appointing Czars with no accountability, appointing Assistant AG Thomas Perez who steadfastly refused to affirm 1st Amendment Rights, called the Constitution an "imperfect document" that "reflected the fundamental flaw of the country that continues to this day", the seizure of the press' phone records by the Justice Department, the walking of guns to cartels during Operation Fast and Furious, unconstitutional recess appointments, unconstitutional executive orders or the Administration's intentional selective enforcement of the laws—This President has shown complete and open contempt for the Constitution as a mere obstacle to his preferred 'pen and phone' method of governing through an executive autocracy.

When Barack Obama came into office only one of the 13 federal appeals courts had a majority of liberal Democrat appointed judges. Now, nine of the 13 appeals courts have liberal Democrat appointees. Barack Obama nominated to individuals to the Supreme Court who have no regard whatsoever for the plain meaning and original intent of the Constitution. The lawlessness of Obama's Progressive Utopia, was one governed by the Pen and the Phone rather than the People. If Hillary Clinton had been elected in November she would have almost certainly appointed At Least Three more Supreme Court Justices which would have completely abrogated the United States Constitution along with the first second fifth and 14th amendments and all of the others for generation or more. For the first time in its history, America would no longer have been governed by the United States Constitution as the supreme law of the land. There are simply no words to describe the existential threat to the American Republic that Hillary

Clinton would have inevitably represented if she had been elected president of the United States. Without the American Constitution there would have been no free America and without a free America there would have been no free world. The implications would have been beyond comprehension.

## RELIGIOUS LIBERTY

Barack Obama's record is that of having assaulted centuries of legal precedent and medical ethics, pushing forward his effort to roll back regulations that protect physicians' rights of conscience. Amazingly, the Obama administration accused the Catholic nuns Little Sisters of the Poor, an entirely voluntary and Catholic organization dedicated to hospice care for the indigent, of promoting a war on women . . . for not agreeing to offer birth control as a Catholic health benefit, and then threatened them with \$70 million a year in fines for not complying.

The Obama administration essentially argued before the Supreme Court that the religious ministerial exception that had been bedrock law since the Constitution was written did not actually exist and that neither the Free Exercise Clause nor the Establishment Clause has anything to say about a church's relationship with its own employees. In a 9-0 opinion, the Supreme Court unanimously rejected the Administration's position, stating that "imposing an unwanted minister, the state infringes the Free Exercise Clause, which protects a religious group's right to shape its own faith and mission through its appointments." Despite Barack Obama's supposed expertise on the Constitution, his administration has lost more 9-0 Supreme Court cases than any other Administration in history and no president in history ever posed more overt danger to religious freedom in America than Barack Obama.

Mr. Obama casually ignored the historical and constitutional fact that religious liberty involves much more than freedom of worship alone, and that the fundamental rights of free speech and the free exercise of religion do not stop at the exit door of the local house of worship, but instead, extends to every area of life. Mr. Obama refused respect the public component of religious liberty, and failed to accommodate religion in our generally applicable laws, and placed in grave danger, the religious freedom in the Constitution which undergirds everything that is America.

## RACE RELATIONS

Barack Obama blatantly stoked racial tensions and in the process he painted a target on the backs of the noble men and women in blue who risk their lives every day to protect the innocent citizens of this country. Some people even went looking to assassinate police officers. And the result was that innocent Americans within both law enforcement and the minority community died across America for no reason. Barack Obama had an historic opportunity to unite America in a profound way. Instead, he chose for temporary political gain to become the divider and chief by seeking to divide America by race and class.

## MR. OBAMA'S CONDESCENSION TOWARD THE AMERICAN PEOPLE

Barack Obama consistently subjected Americans to condescending lectures. Because he was a Progressive Politician who had attended the right schools held the right internships, and had the right credentials he knew what was best for us far better than we did that

he was morally empowered to properly order the minutiae of the lives of all of the American people.

If we opposed Obamacare we didn't want people to have health insurance.

If we opposed wasteful stimulus spending, we hated school teachers and firemen.

If we opposed the nuclear deal with Iran, we were compared to terrorist sponsoring Iranian Mullahs.

If we believe in God and exercise our Second Amendment Right, we were bitter.

If we didn't believe in open, unsecured borders and vetting those who come into this country, we were un-American.

And If we believed unborn baby girls should be protected under the law, we were waging a war on women.

And Mr. Obama was also fond of using politically correct euphemisms and constantly use them to distort nearly every issue:

(1) Evacuation of our Embassy in Yemen was "a reduction in staff"

(2) Terror attacks are "man-caused disasters"

(3) Global war on terror is an "overseas contingency operation"

(4) An Islamic terrorist murdering 13 American soldiers is "workplace violence"

(5) Terrorists beheading children, crucifying women, and burning men alive in the name of Islam are "individuals from various religions" who practice "hateful ideologies"

(6) Veterans, pro-life groups, and state rights' advocates were listed as "at-risk" to become domestic terrorists

## OBAMA CARE

Mr. Obama's signature policy achievement was the so-called Affordable Care Act. As we have learned year after year, essentially nothing Mr. Obama said about the Affordable Care Act was true. He told us his mother's health insurance denied her paying for her cancer treatments—but it was a blatant falsehood. He told America—many, many times—that if we liked our plan and our doctor, we could keep our plan and our doctor—but it was a blatant falsehood. In fact, Mr. Obama's speech writers joked about deliberately putting that blatant falsehood over on Charlie Rose, who, like many in the media, never pressed the issue.

Mr. Obama even deceived and betrayed Bart Stupak from his own party and used a myriad of special political handouts like the Cornhusker Kickback and the Louisiana Purchase to scrape together the support to shove a giant government takeover of the healthcare industry down the American people's throats and then raided the coffers of Medicare to the tune of over \$700 billion to help pay for it.

Anyone with a basic understanding of economics warned was going to wreak havoc upon the insurance market. Barack Obama said, "Obamacare means more choice, more competition, lower costs." But now under Mr. Obama's presidency, the Cost of Average Family Health Insurance Plan has gone from \$12,680 to over \$25,000. Barack Obama said the ACA will cost around \$900 billion over 10 years; in reality it is at least \$2 trillion or more. Mr. Obama said that it would lower health insurance premiums by \$2,500 per family. In 42 states, many premiums increased by over 100 percent. Mr. Obama said, "If you like your doctor, you can keep your doctor." That was a blatant falsehood. Mr. Obama said, "I will protect Medicare." That was a blatant falsehood. He robbed Medicare to pay for Obama care.

He said, "Obama care will cover every American." That was a blatant falsehood. Millions remain uninsured. Healthcare costs have never been higher and the entire debacle called Obamacare is now catastrophically collapsing before our very eyes.

## FOREIGN-POLICY

From day one Barack Obama considered the Cold War a giant misunderstanding. He did his famous reset with Russia and then turned and caved into everything they wanted. Mr. Obama cancelled the missile defense site and betrayed the Czech Republic and Poland to placate Russia. He told Russian President Medvedev he would be more flexible after his re-election on missile defense.

Barack Obama lifted sanctions on the communist dictatorship of Cuba and the Islamist dictatorship of Iran. He has held our allies and the enemies of human freedom to different standards, restoring diplomatic relations with Cuba and making economic concessions to their government with no reciprocity on human rights. President Obama praised the murderous dictator when he offered condolences after Castro's death. For decades, Democrats and Republicans alike maintained consistent policies. At the end of the Obama administration, the only countries in the world that we have better relations with under Barack Obama are Iran and Cuba—and even that has been entirely on their terms. The Saudis are so furious with Obama's surrender to Iran that they are threatening to develop their own nuclear weapons.

Mr. Obama's policies of weakness and appeasement yielded Crimea, the South China Sea, the rise of the Islamic State, the return of Iran, and the unspeakable desecration of the innocent in Aleppo.

Mr. Obama said we were exercising leadership in Syria. But under his "leadership," he drew a red line and then ran from it. Iran and Russia are now taking the lead in Syria. While he talks about leadership, his lack of action contributed to 400,000 human beings dead and generated 4 million migrants who are now destabilizing Europe.

The commentary of Jared Hatch of the Young Leaders Program at the Heritage Foundation said it this way:

"Contemplating the extermination of Aleppo and its people, I was reminded of a sentence that I read this summer. It appeared in an encomium to Elie Wiesel shortly after his death. It was a sterling sentence. It declared: 'We must never be bystanders to injustice or indifferent to suffering.' That was Wiesel's teaching, exactly. The problem with the sentence is that it was issued by the White House and attributed to President Obama. And so the sentence was not at all sterling. It was outrageously hypocritical.

How dare Obama, and members of his administration, speak this way? After five years and more in which the United States' inaction in Syria has transformed our country into nothing other than a bystander to the greatest atrocity of our time, they have forfeited the right to this language. Their angry and anguished utterances are merely the manipulation of the rhetoric of conscience on behalf of a policy without a trace of conscience. You cannot be cold-hearted and high-minded at the same time. Historians will record—they will not have to dig deeply or interpret wildly to conclude—that all through the excruciations of Aleppo, and more generally of Syria, the

United States watched. As we watched, we made excuses, and occasionally we ornamented our excuses with eloquence. The president is enamored of his eloquence. But eloquence is precisely what the wrenching circumstances do not require of him. In circumstances of moral (and strategic) emergency, his responsibility is not to move us. It is to pick up the phone. "Elie did more than just bear witness," Obama said in his eulogy, "he acted." And he added: "Just imagine the peace and justice that would be possible in our world if more people lived a little more like Elie Wiesel." Just imagine.

If Obama wants credit for not getting us into another war, the credit is his. If he wants credit for not being guilty of "overreach," the credit is his. If he wants credit for conceiving of every obstacle and impediment to American action in every corner of the globe, the credit is his. But it is a shameful and incontrovertible fact of our history that during the past eight years the values of rescue, assistance, protection, humanitarianism and democracy have been demoted in our foreign policy and in many instances banished altogether. The ruins of the finest traditions of American internationalism, of American leadership in a darkening world, may be found in the ruins of Aleppo. Our ostentatious passivity is a primary cause of that darkening. When they go low, we go home. The Obama legacy in foreign policy is vacuum-creation, which his addled America-First successor will happily ratify. Aleppo was not destroyed by the Syrian army. It was destroyed by a savage coalition led and protected by Russia. While they massacred innocent men, women and children, we anxiously pondered scenarios of "deconfliction."

We need to be unforgivingly clear. The obligation to act against evil in Aleppo was no different from the obligation to act against the evil in Sarajevo and Srebrenica. (Has anyone ever heard Mr. Obama mention Bosnia?) It was no different from the obligation to act against the evil in Rwanda. It was no different from the obligation to act against the evil in Auschwitz. And we scorned the obligation. We learned nothing. We forgot everything. We failed. We did not even try.

No, that is not quite right. It would be incorrect to analyze our delinquency in Syria in the dichotomously simple terms of action and inaction. The administration creatively pioneered a third option, which it pursued not only in Syria but also in Ukraine and elsewhere: Between action and inaction, it chose inconsequential action. There is the Obama doctrine! We backed moderate Syrian rebels, but not as seriously or as generously as the immoderate Syrian rebels were backed. We sent in small numbers of special operators. The CIA ran a few programs. We acted, in sum, only in ways certain not to affect the outcome. We were strategically feckless. I suspect that the president believes that the United States has no moral right to affect an outcome in another country. I suspect that he regards such decisive action as imperialism, or at least as Iraq-like. What this means in practice is that we will not help people who deserve our help. In the spirit of respecting other societies, we will idly gaze at their destruction. How would disrespecting them be worse?

As a direct or indirect consequence of our refusal to respond forcefully to the Syrian crisis, we have beheld secular tyranny, religious tyranny, genocide, chemical warfare, barrel

bombs and cluster bombs, the torture and murder of children, the displacement of 11 million people, the destabilization of Turkey, Lebanon and Jordan, the ascendancy of Iran in the region, the emergence of Russia as a global power, the diminishment of the American position in the world, the refugee crisis in Europe, the resurgence of fascism in Europe and a significant new threat to the security of the United States. It is amazing how much doing nothing can do, especially when it is we who do nothing.

Not long after he mourned Wiesel, the president engaged in another one of his exercises in empathy without consequence. At the U.N. Summit for Refugees and Migrants, he spoke of Alan Kurdi, the Syrian boy who washed up dead on a beach in Turkey. "That little boy on the beach could be our son or our grandson," the president moistly said. "We cannot avert our eyes or turn our backs." And then we proceeded to avert our eyes and turn our backs. The people who had the power to prevent, stop or even mitigate this catastrophe should now bow their heads and fall silent and reflect on how it is that they brought us so low. Aleppo is no more, and we are weakened and disgraced.

Mr. Speaker, it is ironic and tragic that the fall of Aleppo comes as Barack Obama is to leave office. Because it is one of the clearest demonstrations of how his cowardly foreign and domestic policies have consistently left tens of thousands of innocent helpless victims dead in his wake.

When Islamic terrorists bombed Brussels, killing and injuring hundreds of people, including Americans, President Obama was eating cracker jacks at a baseball game rubbing elbows with a communist dictator.

When the Benghazi tragedy occurred in the middle of a presidential election, and three Americans and our ambassador were murdered by terrorists the Obama Administration's spin-masters told us it was because of a YouTube video. It was a dark and deliberate lie to the American people in front of flag-draped coffins and was an egregious example of the Obama Administration's astonishing lack of accountability and transparency.

At a time when noble Americans were fighting and dying in the sands of Iraq to secure a lasting peace and bring stability to the region, Senator Obama vigorously opposed the Surge in Iraq and said [quote] "I am not persuaded that 20,000 additional troops in Iraq is going to solve the sectarian violence there, in fact I think it will do the reverse . . . I am going to actively oppose the president's proposal." [end quote]. In spite of the opposition to the Surge from Senator Obama, Senator Reid, and many other partisan Democrats notwithstanding, General Petraeus and our unbelievably courageous men and women in uniform were able to snatch victory from the jaws of defeat—decimating Al-Qaeda in Iraq, halting sectarian violence, and achieving a sustainable peace. As thanks for this historic military feat, the Left in America called him "General Betray Us," and Senator Hillary Clinton said his reports to the Senate by General Petraeus required the "willing suspension of disbelief."

This was a despicable display of hyper-partisanship on the part of Mr. Obama and the Democrats who refused to accept American victory in Iraq. But then of course, the Obama Administration would go on to claim the peace

in Iraq as one of their foreign policy achievements.

Then in spite of the prescient advice President Bush gave on July 12, 2007 and the warnings of countless generals, Obama ignored his commanders and precipitously withdrew our troops from Iraq. Even as we withdrew our troops, Vice President BIDEN said of Iraq [quote] "I think it's going to be one of the great achievements of this Administration. You're going to see 90,000 troops come marching home by the end of the summer, you're going to see a stable government in Iraq that is moving towards a representative government . . ." [end quote]

is precisely because of President Obama's petulant decision to keep his politically motivated campaign promise to remove all our troops from Iraq that the Islamic State was able to form, spread across the region, and bring about a brutal reign of evil the likes of which the world has not seen since the Mongols rampaged across Asia.

Right after the Islamic state entered Iraq, many of us in Congress wrote a letter to Mr. Obama beseeching him to understand the danger of this terrorist organization and imploring him to respond while there was time. Astoundingly, Mr. Obama labeled the Islamic state a junior varsity team and his administration stood by with the collective golf club in their hand while ISIS raped and murdered and beheaded its way across Iraq, selling six-year-old girls into slavery and burning people alive. The Islamic State now keeps an estimated 3,000 young girls and women in sexual slavery, and they are being beaten and raped day after day. It is mind-numbingly horrific to know what these innocent girls are going through every day while Mr. Obama runs out the clock on his term of office and hands the fight against ISIS off to the next president. Under Mr. Obama's administration the murder of innocent people by terrorists increased almost tenfold. Then when President Obama drew his famous red line in Syria, Bashar Assad had been paying attention and he knew he could simply ignore this red line in the sand for what it was. And he proceeded to do just that and he remains in power to this day slaughtering the moderate rebels and the Kurds fighting ISIS.

In response to the onslaught of ISIS, President Obama launched one of the most anemic and pathetic air campaigns in modern history and ISIS grew to somewhere around 40,000 fighters under President Obama's watch. He enabled ISIS to grow and metastasize, attract and radicalize countless young men from the West who will attempt to return home and unleash their virulent brand of Islam upon innocent Europeans and Americans as we have so tragically seen in France, Brussels, and even in the United States. During the so-called Arab Spring the Obama administration sided with the Muslim brotherhood in Egypt.

Barack Obama mocked Mitt Romney during their second presidential debate, saying "The 1980s are now calling to ask for their foreign policy back." Mr. Speaker—would to God that we could get the foreign policy from the 1980s back! For eight years Barack Obama ignored the fact that Vladimir Putin is a KGB killer intent on restoring Russia to its Soviet-era in prayer for error. And it has been an absolute national embarrassment to watch this Russian thug unceremoniously mop the floor and the map of the world with the President of the United States.

In his first year of office, and on the very day of the 70th anniversary of Soviet Invasion Day in Poland, President Obama betrayed our European allies. The Czechs and the Poles had risked the survival of their governments by agreeing to implement a missile-shield in their countries that could have significantly devalued Iran's entire nuclear missile pursuits and even one day may have protected America from the Iranian nuclear missiles. But to placate a revanchist Russia Barack Obama blatantly betrayed both the Czechs and the Poles and unilaterally withdrew from the plan.

Under Barack Obama, U.S. agreements with our understandably nervous friends in Eastern Europe were not worth the paper they were printed on. Ukraine gave up its nuclear weapons with the written assurance from Russia and the United States of America that its national sovereignty would be protected. Then, in response to the unconscionable Russian invasion of Ukraine and seizure of the Crimean Peninsula, the Obama Administration would not even provide lethal armaments to the Ukrainians. Instead he offered MREs. Then Mr. Obama evidently did not deem that humiliation complete until he had turned to the Russians to assist with Syria. The complete and total lack of leadership from the Obama White House once again came full circle.

Ben Rhoades made an attempt to analyze the mindset of Barack Obama. He said, [quote] "He is smarter than everyone and more than willing to actively lie and obfuscate to the American people and media to effect his desired outcomes, despite, or in spite of, the will of the American people, the law, and even common sense."

#### OUR ALLY ISRAEL

Barack Obama pledged [quote] "unshakeable commitment" [unquote] to Israel's security. Mr. Obama stood before a group of thousands of supporters of Israel and proclaimed that "when the chips are down, I have Israel's back."

But then as President, he blatantly refused even to acknowledge Jerusalem as Israel's capital. Then Mr. Obama consistently expressed more open rebuke toward Israel for building houses in its capital city than he expressed for Iran's efforts to build nuclear weapons with which to existentially threaten the state of Israel along with the peace and security of the entire human family.

Mr. Obama all but ignored Iran's call for Israel to be wiped off the map. He supported the unification of Fatah and Hamas. He pressured Israel to release over 100 murderers, rapists, and terrorists. He suggested that Israel return to 1967 border lines which would have made national security for the tiny nation of Israel almost impossible.

Benjamin Netanyahu came to Congress and said "obviously we are going to have to continue to prepare to defend ourselves by ourselves."

On December 23, 2016, two days before Christmas and one day before the start of Hanukkah, in the waning days of his administration, in the safety of a lame-duck presidency, President Obama and Secretary Kerry broke with over 20 years of bipartisan precedent and betrayed America's best friend in the world when he orchestrated and then refused to veto a United Nations Security Council resolution that undermined Israel's very right to exist.

Under the manifestation of this resolution, Jewish citizens of Israel could not legally step

foot into the Jewish quarter of Jerusalem (where they have resided for thousands of years) and they could not even stand in front of the Western Wall, the holiest site of Judaism. In accepting the factually and morally incorrect label of "occupied" proclaimed in this resolution, President Obama and Secretary Kerry have reinforced the position of the plethora of anti-Semites at the U.N.

This anti-Semitic resolution fueled and lent legitimacy to the ongoing murderous hatred of Jews, which manifested itself once again two weeks later when an ISIS-inspired murderer rammed his truck into a group of 16 Jews who Obama helped label "occupiers" by his abstinence.

In an all-too-familiar scene, thousands of people poured into the streets in Gaza to celebrate the murder of Jews. Amidst the celebrations, candy was passed out and Fathi Hamad, the leader of the Hamas, issued the following statement: "The message of our Islamic party Hamas is a message of encouragement and support for every jihadi who carries out an attack that puts an end to the acts of the Zionist enemy."

Despite lending credence to the *casus belli* of the ISIS-inspired attack, the President has yet to comment on this despicable act of terrorism.

When the Security Council Quartet meets on January 15 and the full UNSC meets on January 17, I am gravely concerned that Barack Obama will overturn U.S. precedent going back to Lyndon Johnson and use the opportunity to stab Israel in the back one final time by allowing the anti-Semites at the UN to redraw the map to Israel's indefensible pre-1967 borders—leaving the world's only Jewish state less than 9 miles wide.

Up until Barack Obama became President, America protected the State of Israel against the anti-Semitic mob we call the United Nations. The only thing United about the United Nations has been their consistent opposition to America and the state of Israel.

Let me be very clear, Mr. Speaker. Orchestrating and then failing to veto this resolution that undermined Israel's right to exist was a cowardly act of political treachery by Barack Obama that has disgraced the United States of America and it will send Barack Obama's name down the corridor of history as an overt traitor to Nation of Israel.

It is an absolute disgrace that this President has been willing to sacrifice the security and stability of this vital ally and our greatest friend in the world, upon the altar of perceived international civility. It is a betrayal that history will never forget.

#### INNOCENT VICTIMS

Perhaps the singularly saddest tragedy the Barack Obama leaves behind are all of the innocent victims that needed his help so desperately and for whom now that help is forever too late. Mr. Obama's Administration consistently and unconscionably implemented policies across the board that negatively impacted the most vulnerable in human society.

The Obama administration loosened restrictions on regimes using child soldiers. The Obama administration officials repeatedly ignored Chinese human rights abuses during trips to China.

FBI statistics indicate that hate crimes against the Jewish population are up, but Mr. Obama was silent about that. There was and is genocide against Christians taking place in

the Middle East, but he was also silent about that.

He stood by and let ISIS, Boko Haram, Russia, Syria and Planned Parenthood brutally desecrate the innocent.

#### ABORTION

Only three days after he took office, on January 23, 2009, President Obama overturned America's long-standing policy, which prohibited taxpayer dollars from being used to fund the killing of unborn children by abortion overseas. In a time of economic crisis, President Obama proceeded to give millions of U.S. Taxpayer dollars to abortion providers in foreign countries.

Pastor Rick Warren asked candidate Obama, "Forty million abortions, at what point does a baby get human rights, in your view?" Mr. Obama's response was, "Well, you know, I think that whether you're looking at it from a theological perspective or a scientific perspective, answering that question with specificity, you know, is above my pay grade."

President Barack Obama had one of the greatest opportunities ever afforded to any president to take his place among history's most respected heads of state by defending the rights of the defenseless which is the ultimate measure of every true statesman.

Not only did he fail that opportunity, he went to great effort to proactively promote the indiscriminate killing of the most defenseless of all human beings. Barack Obama worked diligently to expand abortion on demand in America and throughout the earth. He relentlessly worked against taxpayer's wishes to give billions of taxpayer dollars to Planned Parenthood, the largest promoter and perpetrator of abortion on demand on Earth.

Throughout his presidency, Mr. Obama surrounded himself with some of the most radical pro-abortion officials in public office, including Secretary of Health and Human Services Kathleen Sebelius, who supports Partial Birth Abortions, and White House Science Advisor John Holdren, who has written openly about his support of radical policies like forced abortions and forced sterilization.

In August 2010, authorities entered the clinic of Dr. Kermit Gosnell, and found a torture chamber for little babies that defies description within the constraints of the English-language.

According to the Grand Jury report: quote "Dr. Kermit Gosnell had a simple solution for unwanted babies: he killed them. He didn't call it that. He called it 'ensuring fetal demise.' The way he ensured fetal demise was by sticking scissors in the back of the baby's neck and cutting the spinal cord. He called it 'snipping.' Over the years there were hundreds of 'snippings'.

Mr. Speaker, these were born alive children murdered by having their spines snipped with scissors without anesthetic.

Ashley Baldwin, one of Dr. Gosnell's employees, said she saw babies breathing and she described one as two feet long that no longer had eyes or a mouth, but, in her words, was like making this "screeching" noise . . . and it "sounded like a little alien."

For God's sake Mr. Speaker, is that who we truly are?

As President of the United States of America at the time, Barack Obama did not utter one syllable against these gut wrenching atrocities of Kermit Gosnell or Planned Parenthood. He lectured this country on almost everything and yet he was shamefully silent in

the face of this insidious and horrifying genocide against these helpless little born alive human children.

When he was in the state legislature, Mr. Obama actually voted no four times on a bill that would have protected crying, kicking, breathing babies after they were born alive.

Mr. Obama, also consistently supported the policy that allowed more than 18,000 late-term, pain capable unborn babies were torturously killed without anesthesia in America in just the last year. Many of them cried and screamed as they died, but because it was amniotic fluid going over their vocal cords instead of air, we couldn't hear them.

In his position, President Barack Obama could have easily and successfully enacted policies that would have saved the vast majority of the little babies like the ones Dr. Kermit Gosnell killed, yet all of his adult life he has actively and vigorously supported policies that not only allowed but were the direct result of them being killed.

In 2015, the Center for Medical Progress released numerous video recordings that incontrovertibly documented corporate officers and employees of Planned Parenthood casually discussing the harvesting and sale of the little body parts of countless little babies among the hundreds of thousands of innocent babies they are killing in many of the hundreds of existing abortion clinics owned by Planned Parenthood across this nation. It was a revelation so ugly and evil that it still casts an indelible stain of shame on all of us as Americans. Yet, Barack Obama arrogantly and heartlessly did all that was necessary to force American taxpayers to continue to fund this organization of human butchery called Planned Parenthood.

In the U.S. Senate, Mr. Obama voted no on a bill that would have prohibited someone from taking a minor child out of state for an abortion without at least notifying the child's parents. He voted no on a bill that would have allowed unborn babies in low income households to be included for health insurance coverage.

As President he appointed an Empire of radically pro-abortion judges and government bureaucrats. He vowed to veto The Prenatal Nondiscrimination Act which would prohibit discriminating against an unborn baby girl by subjecting her to abortion simply because she is a little girl instead of a little boy.

He promised to veto the Pain Capable Unborn Child Protection Act after its historic passage in the United States House of Representatives. This is a bill that would protect both mothers and their little pain capable unborn babies between the beginning of their sixth month of pregnancy and live birth from the unspeakable cruelty of Planned Parenthood and evil monsters like Kermit Gosnell.

The House of Representatives later passed The Born Alive Abortion Survivors Protection Act. This was a humane and reasonable bill that in the name of humanity would simply protect those babies who had survived the process of abortion and were born alive, born alive, Mr. Speaker. Yet astonishingly, Barack Obama, the President of the United States and the leader of the free world wrote a letter to Congress and said he would veto this bill to protect these born alive babies if it ever reached his desk. I can only say Mr. Speaker, that there is a moment in the life of every policymaker when he or she makes a decision either to protect the innocent or to embrace the

Cimmerian darkness where the light of human compassion has gone out and the survival of the fittest has prevailed over humanity. President Barack Obama failed that moment.

President Barack Obama's record is crystal clear. For his entire his political life, Mr. Obama has strongly supported the full legalization of abortion on demand throughout all nine months of pregnancy for any reason or no reason whatsoever including sex selection throughout all nine months of pregnancy and he supported forcing American taxpayers to pay for it whether the taxpayers liked it or not. Under President Barack Obama, nearly 9 million innocent, defenseless little American babies were aborted before they saw the first smile of their mother.

So ironically, Mr. Speaker, President Obama once spoke very noble and poignant words that, whether he realized it or not, apply so profoundly to this subject. Mr. Speaker, let me quote excerpted portions of his comments:

Mr. Obama once said, "This is our first task—caring for our children. It's our first job. If we don't get that right, we don't get anything right. That's how, as a society, we will be judged."

He asked, "Are we really prepared to say that we're powerless in the face of such carnage, that the politics are too hard? Are we prepared to say that such violence visited on our children year after year after year is somehow the price of our freedom?"

He also said "Our journey is not complete until all our children . . ." are "cared for and cherished and always safe from harm."

"That is our generation's task" he said, "to make these words, these rights, these values of life and liberty and the pursuit of happiness real for every American."

Mr. Speaker, never have I so deeply agreed with any words ever spoken by President Obama as those I have just quoted. How I wish he could somehow open his heart and his ears to his own words, and ask himself in the core of his own soul, why these words that should apply to ALL children, cannot include the most helpless and vulnerable of all children?

Are there any children more vulnerable than little pain capable babies are before they are even born? Could we not at least agree we should all come together protect them when they are between the beginning of the sixth month of pregnancy and birth when we know that the thousands upon thousands of babies Planned Parenthood kills at this age feel agonizing pain in the process of being murdered? Could we not agree that little human babies who survive abortion and are born alive should be protected? Could the President not have agreed to that much, Mr. Speaker?

Ironically, Barack Obama was in the unique position, perhaps among all other presidents in history, to bring this country together to protect these helpless little babies. Yet as the most powerful human being in the world, Mr. Obama chose to become the most powerful enemy of the most helpless human beings in the world. Nothing will stain his legacy or his claims of looking out for the little guy with more shame than going down in history as the "Abortion President".

Mr. Speaker, I know Mr. Obama will hold to the standard line and cloak it all in the name of freedom of choice as he is done throughout his political life, but I wish he could just ask himself, what is so liberating about dis-

membering living, helpless little human babies?

Mr. Speaker, I once prayed and hoped that Barack Obama would take a different road than he did when it came to protecting innocent humanity. Just before he first took office eight years ago, I wrote the President of the United States an open letter on this very issue of protecting the innocent unborn child that was published in Human Events Magazine the very day he raised his hand to take the oath of office, swearing before God that he would preserve and protect the Constitution of the United States. Several days later in the White House I personally handed Mr. Obama that original letter which he promised to read.

In that letter I wished him well, hoping that he would use his unique and historic opportunity to bring together Americans in their common humanity to a moment of renewed commitment to recognize and protect every member of the human family including the innocent unborn child.

The letter is as follows:

Dear President Barack Obama,

History and the human family find themselves at a crossroads as you take the oath of office to become the 44th President of the United States. I am told you are the first to request to be sworn in with your hand on the same Bible used by Abraham Lincoln when he took the same oath.

In the days, years, and generations to come, many voices will speak to the profound symbolism of this gesture on your part. History will also record whether or not you honored those noble principles held in the heart of Abraham Lincoln; that all of God's children have the right to live, and be free, and to pursue their dreams.

This is one Republican with the sincerest prayer that history will confirm that you did.

May I submit that the surest hope of such a confirmation is for you and the Nation to remember why we built that grand white granite memorial along the Potomac to Mr. Lincoln, and why we revere him so deeply.

We honor Abraham Lincoln most because he found within himself the humanity and courage to transcend the politics and convention of his day, to recognize the child of God in a slave, which both the tide of public opinion and the Dred Scott Supreme Court decision had declared to be a nonperson, and unprotectable by law.

History found Abraham Lincoln a faithful steward of the hope, human dignity, and deliverance of those who bore the image of God in the shame of slavery; and now it waits to witness President Barack Obama's stewardship of the hope, human dignity, and deliverance of those who bear the image of God in unborn silence.

Yes, it is true, Mr. President, that no issue since slavery has divided Democrats and Republicans so deeply as abortion. Yet, the two issues are so profoundly similar. In both cases, the innocent victims were arbitrarily dehumanized in the name of freedom. And yes, it will be easy for you to listen to the voices of those who still today, in the name of freedom, would deprive the innocent of both life and liberty. Certainly, their familiar phrases prevailed for a time in the days of slavery.

However, is it possible that in hindsight, and with the weight of history on your shoulders, that you might find the courage to reject this insidious deception that has crushed so many



lives across history, and that relentlessly pursues this nation still?

Mr. Lincoln did. He said, “Those who deny freedom to others deserve it not themselves, and under a just God, cannot long retain it.” That is why we love him, and built our memorial to him.

So, as you lay your hand upon his Bible, Mr. President, may I adjure you to listen, in the stillness of your own heart, to the faint cries for mercy from those little souls who now look to you for hope; and to the words printed in red on the pages beneath your hand which will be declared again in eternity’s final day;

“Inasmuch as you have done it unto one of the least of these my brethren, you have done it unto me.”

Mr. Speaker, I truly and sincerely wished God’s best for Barack Obama when he took office, just as I do now. And it gives me no pleasure to lay out what I believe to be the profound failures of Mr. Obama’s presidency. However, in a Republic like ours where the people are the final arbiters of our public policy, and where those who would subvert this Republic consistently resort to deception and historical revisionism, an accurate record is vital to our nation’s survival and its future generations.

So, alas Mr. Speaker, I am afraid President Obama tragically wasted his precious and historic opportunity. However, this is the true record of President Barack Obama, and to paraphrase William Wilberforce, “We may choose to look the other way but we can never say again that we did not know.”

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. NADLER (at the request of Ms. PELOSI) for today on account of funeral in the district.

#### ADJOURNMENT

Mr. FRANKS of Arizona. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o’clock and 19 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, January 12, 2017, at 10 a.m. for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker’s table and referred as follows:

149. A letter from the Under Secretary, Acquisition, Technology, and Logistics, Department of Defense, transmitting a report to Congress titled “Failure of Contractors, Participating Under the Department of Defense Test Program for a Comprehensive Subcontracting Plan, to Meet Their Negotiated Goals”, pursuant to 15 U.S.C. 637 note; Public Law 114-92, Sec. 872(d)(2); (129 Stat. 939); to the Committee on Armed Services.

150. A letter from the Alternate OSD FRLO, Office of the Secretary, Department of Defense, transmitting the Department’s final rule — Department of Defense Personnel Security Program Regulation [Docket ID: DOD-2016-OS-0121] (RIN: 0790-AJ55) received January 10, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Armed Services.

151. A letter from the Regulatory Specialist, LRAD, Office of the Comptroller of the Currency, Department of the Treasury, transmitting the Department’s final rule — Receiverships for Uninsured National Banks [Docket ID: OCC-2016-0017] (RIN: 1557-AE07) received January 10, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

152. A letter from the Director, Directorate of Standards and Guidance, Occupational Safety and Health Administration, Department of Labor, transmitting the Department’s Major final rule — Occupational Exposure to Beryllium [Docket No.: OSHA-H005C-2006-0870] (RIN: 1218-AB76) received January 10, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Education and the Workforce.

153. A letter from the Director, Division of Regulation, Legislation, and Interpretation, Wage and Hour Division, Department of Labor, transmitting the Department’s final rule — Updating Regulations Issued Under the Fair Labor Standards Act, Service Contract Act, Davis-Bacon and Related Acts, Contract Work Hours and Safety Standards Act, the Family and Medical Leave Act, Employee Polygraph Protection Act, and the Migrant and Seasonal Agricultural Worker Protection Act (RIN: 1235-AA17) received January 10, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Education and the Workforce.

154. A letter from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting the Fiscal Year 2016 Ryan White HIV/AIDS Program Parts A and B Supplemental Report to Congress, pursuant to 42 U.S.C. 300ff-13(e); July 1, 1944, ch. 373, title XXVI, Sec. 2603 (as amended by Public Law 109-415, Sec. 104(e)); (120 Stat. 2776) and 42 U.S.C. 300ff-29a(d); July 1, 1944, ch. 373, title XXVI, Sec. 2620 (as amended by Public Law 109-415, Sec. 205(2)); (120 Stat. 2798); to the Committee on Energy and Commerce.

155. A letter from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting the 2014-2015 Scientific and Clinical Status of Organ Transplantation Report to Congress, pursuant to Sec. 376 of the Public Health Service Act, as codified in 42 U.S.C. 274d; to the Committee on Energy and Commerce.

156. A letter from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting the Poison Help Campaign Report to Congress for Fiscal Year 2015, in accordance with 42 U.S.C. 300d-72(c)(2), as amended by the Poison Center Network Act, Public Law 113-77; to the Committee on Energy and Commerce.

157. A letter from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting the “2014-2015 Report to Congress on Organ Donation and the Recovery, Preservation, and Transportation of Organs”, pursuant to 42 U.S.C. 274f-4, added by Public Law 108-216, the Organ Donation and Recovery Improvement Act; to the Committee on Energy and Commerce.

158. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emer-

gency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001, pursuant to 50 U.S.C. 1641(c); Public Law 94-412, Sec. 401(c); (90 Stat. 1257) and 50 U.S.C. 1703(c); Public Law 95-223, Sec. 204(c); (91 Stat. 1627); to the Committee on Foreign Affairs.

159. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995, pursuant to 50 U.S.C. 1641(c); Public Law 94-412, Sec. 401(c); (90 Stat. 1257) and 50 U.S.C. 1703(c); Public Law 95-223, Sec. 204(c); (91 Stat. 1627); to the Committee on Foreign Affairs.

160. A letter from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting the Department’s final rule — Burma: Amendment of the Export Administration Regulations Consistent with an Executive Order that Terminated U.S. Government’s Sanctions [Docket No.: 161005929-6929-01] (RIN: 0694-AH18) received January 10, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Foreign Affairs.

161. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a determination authorizing assistance to Syria, pursuant to Sec. 451 of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

162. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 16-111, pursuant to Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

163. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Interagency Working Group on U.S. Government-Sponsored International Exchanges and Training FY 2016 Annual Report, pursuant to Public Law 87-256, Sec. 112(f) and (g), as amended, and 22 U.S.C. 2460(f) and (g); to the Committee on Foreign Affairs.

164. A letter from the Director, Office of Government Ethics, transmitting the Annual Financial Report for the U.S. Office of Government Ethics for FY 2016, as submitted to the Office of Management and Budget, pursuant to 31 U.S.C. 3515(a)(1); Public Law 101-576, Sec. 303(a)(1) (as amended by Public Law 107-289, Sec. 2(a)); (116 Stat. 2049); to the Committee on Oversight and Government Reform.

165. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a semi-annual report to Congress concerning the compliance of Azerbaijan, Kazakhstan, Tajikistan, and Uzbekistan with the Act’s freedom of emigration provisions, pursuant to 19 U.S.C. 2432(b); Public Law 93-618, Sec. 402(b); (88 Stat. 2056) and 19 U.S.C. 2439(b); Public Law 93-618, Sec. 409(b); (88 Stat. 2064); to the Committee on Ways and Means.

166. A letter from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting a Report to Congress titled “Improving Medicare Post-Acute Care Transformation (IMPACT) Act of 2014 Strategic Plan for Accessing Race and Ethnicity Data”, pursuant to 42 U.S.C. 1395111 note; Public Law 113-185, Sec. 2(d)(3); (128 Stat. 1968); jointly to the Committees on Energy and Commerce and Ways and Means.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following

titles were introduced and severally referred, as follows:

By Mr. WEBER of Texas (for himself, Mr. KNIGHT, Mr. SMITH of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LUCAS, Mr. LIPINSKI, Mr. CULBERSON, Mr. TONKO, Mr. BRIDENSTINE, Mr. PERLMUTTER, Mr. SCHWEIKERT, Mr. GARAMENDI, Mr. PETERS, Mr. HULTGREN, and Mr. ROHRBACHER):

H.R. 431. A bill to enable civilian research and development of advanced nuclear energy technologies by private and public institutions, to expand theoretical and practical knowledge of nuclear physics, chemistry, and materials science, and for other purposes; to the Committee on Science, Space, and Technology.

By Ms. DELBENE (for herself, Mr. KIND, Mr. RUPPERSBERGER, and Ms. KUSTER of New Hampshire):

H.R. 432. A bill to amend the Internal Revenue Code of 1986 to expand and modify the credit for employee health insurance expenses of small employers; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina (for himself, Mr. DUNCAN of South Carolina, and Mr. CRAMER):

H.R. 433. A bill to prohibit the Secretary of Energy from planning, developing, or constructing a defense waste repository until the Nuclear Regulatory Commission has made a final decision with respect to the construction authorization application for the Yucca Mountain Nuclear Waste Repository; to the Committee on Energy and Commerce.

By Mr. DENHAM (for himself, Mr. LAMALFA, Mr. NEWHOUSE, Mr. CALVERT, Mr. COSTA, and Mr. GARAMENDI):

H.R. 434. A bill to authorize a pilot project for an innovative water project financing program, and for other purposes; to the Committee on Natural Resources.

By Mr. ELLISON (for himself, Mr. PITTENGER, Mrs. CAROLYN B. MALONEY of New York, Mr. DUFFY, Mr. AL GREEN of Texas, Mr. STIVERS, Mr. MEEKS, Mrs. LOVE, Mr. CAPUANO, Mr. RENACCI, Ms. MOORE, Mr. JONES, Mr. CONYERS, Mr. GRIJALVA, and Ms. SCHAKOWSKY):

H.R. 435. A bill to amend the Fair Credit Reporting Act to clarify Federal law with respect to reporting certain positive consumer credit information to consumer reporting agencies, and for other purposes; to the Committee on Financial Services.

By Mr. SMITH of New Jersey (for himself and Ms. MENG):

H.R. 436. A bill to prioritize the fight against human trafficking within the Department of State according to congressional intent in the Trafficking Victims Protection Act of 2000 without increasing the size of the Federal Government, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BILIRAKIS (for himself and Mrs. BROOKS of Indiana):

H.R. 437. A bill to amend the Homeland Security Act of 2002 to codify authority under existing grant guidance authorizing use of Urban Area Security Initiative and State Homeland Security Grant Program funding for enhancing medical preparedness, medical surge capacity, and mass prophylaxis capabilities; to the Committee on Homeland Security.

By Mr. VARGAS (for himself and Mr. HUNTER):

H.R. 438. A bill to direct the Administrator of the Environmental Protection Agency to establish a California New River restoration program to build on, and help coordinate funding for, restoration and protection ef-

forts relating to the New River, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RENACCI (for himself, Mr. LEWIS of Georgia, Mr. KELLY of Pennsylvania, Mr. KILMER, Mr. BUCSHON, Mr. BARLETTA, Mr. DIAZ-BALART, Mr. MEEHAN, Mr. COSTELLO of Pennsylvania, Mr. TIBERI, Mr. ROSKAM, Mrs. COMSTOCK, Mr. JOYCE of Ohio, and Mr. REICHERT):

H.R. 439. A bill to amend the Internal Revenue Code of 1986 to prevent tax-related identity theft and tax fraud, and for other purposes; to the Committee on Ways and Means.

By Mr. POE of Texas (for himself and Mrs. CAROLYN B. MALONEY of New York):

H.R. 440. A bill to amend title 18, United States Code, to permit sentencing judges in child sex trafficking cases to order the Attorney General to publicize the name and photograph of the convicted defendants, and for other purposes; to the Committee on the Judiciary.

By Mr. CALVERT (for himself, Mr. ROHRBACHER, Mr. KNIGHT, and Mr. HUNTER):

H.R. 441. A bill to provide for additional security requirements for Syrian and Iraqi refugees, and for other purposes; to the Committee on the Judiciary.

By Mr. EMMER (for himself, Ms. CASTOR of Florida, Mr. BEYER, Mr. SANFORD, Ms. LEE, Mr. POCAN, Mr. AMASH, Mr. CRAWFORD, Mr. MCGOVERN, and Mr. POE of Texas):

H.R. 442. A bill to lift the trade embargo on Cuba, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DESJARLAIS (for himself and Mrs. BLACKBURN):

H.R. 443. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating the James K. Polk Home in Columbia, Tennessee, as a unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. DEUTCH (for himself, Mr. BUCHANAN, and Mr. WELCH):

H.R. 444. A bill to establish an advisory office within the Bureau of Consumer Protection of the Federal Trade Commission to prevent fraud targeting seniors, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DEUTCH (for himself, Mr. QUIGLEY, and Mr. CONNOLLY):

H.R. 445. A bill to establish a gun buyback grant program; to the Committee on the Judiciary.

By Mr. GRIFFITH:

H.R. 446. A bill to extend the deadline for commencement of construction of a hydroelectric project; to the Committee on Energy and Commerce.

By Mr. GRIFFITH:

H.R. 447. A bill to extend the deadline for commencement of construction of a hydroelectric project; to the Committee on Energy and Commerce.

By Mr. HUFFMAN (for himself, Mr. ROHRBACHER, Mr. DOGGETT, Ms. MCSALLY, and Mr. LAMALFA):

H.R. 448. A bill to amend the Internal Revenue Code of 1986 to expand the exclusion for

certain conservation subsidies to include subsidies for water conservation or efficiency measures and storm water management measures; to the Committee on Ways and Means.

By Mr. JEFFRIES (for himself, Mr. MEEHAN, Mr. GOWDY, Mr. COLLINS of New York, and Mr. BUTTERFIELD):

H.R. 449. A bill to require the Surgeon General of the Public Health Service to submit to Congress a report on the effects on public health of the increased rate of use of synthetic drugs; to the Committee on Energy and Commerce.

By Mr. JONES:

H.R. 450. A bill to amend title 10, United States Code, to ensure that every military chaplain has the prerogative to close a prayer outside of a religious service according to the dictates of the chaplain's own conscience; to the Committee on Armed Services.

By Mr. LATTA (for himself, Mr. DUNCAN of Tennessee, Mr. FARENTHOLD, Mr. GOSAR, Mr. JODY B. HICE of Georgia, Mr. JONES, Mr. LONG, Mr. MESSER, and Mr. POE of Texas):

H.R. 451. A bill to amend the Internal Revenue Code of 1986 to repeal the estate tax and retain stepped-up basis at death; to the Committee on Ways and Means.

By Mr. LUETKEMEYER (for himself, Mr. CLAY, Mrs. WAGNER, Mrs. HARTZLER, Mr. CLEAVER, Mr. GRAVES of Missouri, Mr. LONG, Mr. SMITH of Missouri, and Mr. SESSIONS):

H.R. 452. A bill to designate the facility of the United States Postal Service located at 324 West Saint Louis Street in Pacific, Missouri, as the "Specialist Jeffrey L. White, Jr. Post Office"; to the Committee on Oversight and Government Reform.

By Mr. PETERSON (for himself, Mr. GOODLATTE, Mr. SMITH of Missouri, Mr. LONG, Mr. LEWIS of Minnesota, Mr. EMMER, Mr. SENSENBRENNER, and Mr. KIND):

H.R. 453. A bill to deem the Step 2 compliance date for standards of performance for new residential wood heaters, new residential hydronic heaters, and forced-air furnaces to be May 15, 2023; to the Committee on Energy and Commerce.

By Mr. ROSS:

H.R. 454. A bill to amend the Illegal Immigration and Immigrant Responsibility Act of 1996 to direct the Secretary of Homeland Security to complete the required 700-mile southwest border fencing by December 31, 2017, and for other purposes; to the Committee on Homeland Security.

By Mr. THOMPSON of Mississippi:

H.R. 455. A bill to designate the United States courthouse located at 501 East Court Street in Jackson, Mississippi, as the "R. Jess Brown United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Ms. TITUS (for herself, Mr. KIHUEN, and Ms. ROSEN):

H.R. 456. A bill to require the Secretary of Energy to obtain the consent of affected State and local governments before making an expenditure from the Nuclear Waste Fund for a nuclear waste repository; to the Committee on Energy and Commerce.

By Ms. TITUS:

H.R. 457. A bill to amend title 38, United States Code, to improve the appeals process of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. TROTT (for himself and Mrs. DINGELL):

H.R. 458. A bill to require the Secretary of Transportation to conduct a study on the economic and environmental risks to the Great Lakes of spills or leaks of oil, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition

to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. WAGNER (for herself, Ms. GABBARD, Mr. SENSENBRENNER, Mrs. MIMI WALTERS of California, Mrs. COMSTOCK, Mrs. BEATTY, Mr. MEEHAN, Mr. DESANTIS, Mr. PAULSEN, Mrs. BROOKS of Indiana, Mrs. NOEM, Mr. KNIGHT, Mrs. BLACK, Mr. YOHIO, Mr. CRAMER, Ms. MOORE, Mr. FARENTHOLD, Mr. JOYCE of Ohio, Ms. STEFANIK, Mr. YOUNG of Iowa, Mrs. HARTZLER, Mr. COSTELLO of Pennsylvania, Ms. TITUS, and Mr. ROYCE of California):

H.R. 459. A bill to provide for the vacating of certain convictions and expungement of certain arrests of victims of human trafficking; to the Committee on the Judiciary.

By Mr. YOUNG of Iowa (for himself, Mr. WELCH, Mr. LOEBSACK, Mr. DUFFY, Mr. STEWART, Mr. POCAN, Mr. LATTA, Mr. KIND, Mr. NOLAN, Mrs. NOEM, and Mr. CRAMER):

H.R. 460. A bill to amend the Communications Act of 1934 to ensure the integrity of voice communications and to prevent unjust or unreasonable discrimination among areas of the United States in the delivery of such communications; to the Committee on Energy and Commerce.

By Mr. HIMES (for himself, Mr. LOWENTHAL, Ms. LOFGREN, Mr. FOSTER, Mr. POCAN, Ms. SPEIER, Ms. NORTON, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. DELAURO, Ms. SLAUGHTER, Mr. KILMER, Ms. JUDY CHU of California, and Mr. MCGOVERN):

H. Res. 44. A resolution expressing support for designation of February 12, 2017, as "Darwin Day" and recognizing the importance of science in the betterment of humanity; to the Committee on Science, Space, and Technology.

By Mr. CROWLEY:

H. Res. 45. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

## MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

2. The SPEAKER presented a memorial of the Senate of the Commonwealth of Puerto Rico, relative to Senate Resolution 1449, to urge the President of the United States, Barack Obama, to grant a Presidential pardon to Oscar Lopez-Rivera; to the Committee on the Judiciary.

3. Also, a memorial of the Senate of the Commonwealth of Massachusetts, relative to a Resolution, memorializing Congress to consider the Bridge Act and protect eligible young undocumented immigrants who reside in the United States; to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. UPTON introduced a bill (H.R. 461) for the relief of Ibrahim Parlak; which was referred to the Committee on the Judiciary.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representa-

tives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. WEBER of Texas:

H.R. 431.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18:

The Congress shall have power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. DELBENE:

H.R. 432.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. WILSON of South Carolina:

H.R. 433.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Mr. DENHAM:

H.R. 434.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to providing for the common defense and general welfare of the United States), Clause 3 (relating to regulating commerce with foreign nations, and among the several states, and with the Indian tribes) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress).

By Mr. ELLISON:

H.R. 435.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. SMITH of New Jersey:

H.R. 436.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clauses 3 and 18, as this bill better equips the Executive Branch to properly carry out the powers vested in it by the Constitution, as well as ensures that Congress is accurately informed of a foreign nations' trafficking record and tier ranking when Congress considers regulation of commerce with foreign nations.

By Mr. BILIRAKIS:

H.R. 437.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8, Clause 1 of the Constitution of the United States, which grants Congress the power to provide for the common Defense of the United States, and Article I, Section 8, Clause 18 of the Constitution of the United States, which provides Congress the power to make "all Laws which shall be necessary and proper" for carrying out the constitutional powers vested in the Government of the United States.

By Mr. VARGAS:

H.R. 438.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18:

The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

Article I, Section 8, Clause 3:

The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. RENACCI:

H.R. 439.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1:

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Article 1, Section 8, Clause 18:

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. POE of Texas:

H.R. 440.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of section 8 of article I of the Constitution which states that Congress has the power "to make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. CALVERT:

H.R. 441.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is Section 8 of Article I of the Constitution, specifically Clauses 1 (relating to providing for the general welfare of the United States) and 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress) of such section.

OR

The constitutional authority of Congress to enact this legislation is Article I, Section 8, Clause 1 and Clause 18.

By Mr. EMMER:

H.R. 442.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 to regulate Commerce with Foreign Nations

By Mr. DESJARLAIS:

H.R. 443.

Congress has the power to enact this legislation pursuant to the following:

Clause 2 of Section 3 of Article IV of the U.S. Constitution: The Congress shall have the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States

By Mr. DEUTCH:

H.R. 444.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the U.S. Constitution.

By Mr. DEUTCH:

H.R. 445.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the U.S. Constitution.

By Mr. GRIFFITH:

H.R. 446.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. GRIFFITH:

H.R. 447.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. HUFFMAN:

H.R. 448.

Congress has the power to enact this legislation pursuant to the following:

Clause 1, Section 8 of Article 1 of the United States Constitution, which reads: "The Congress shall have Power to lay and collect Taxes, Duties, Imposts, and Excises, to pay the Debts, and provide for the common Defense and General Welfare of the United States; but all Duties and Imposts and Excises shall be uniform throughout the United States."

By Mr. JEFFRIES:

H.R. 449.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the United States Constitution ("Congress shall have the power . . . To make all Laws which shall be necessary and proper for carrying into Execution . . . all other Powers vested in this Constitution in the Government of the United States, or in any Department or Officer thereof).

By Mr. JONES:

H.R. 450.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution (clauses 12, 13, 14, and 16), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; and to provide for organizing, arming, and disciplining the militia.

By Mr. LATTA:

H.R. 451.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. LUETKEMEYER:

H.R. 452.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 7, "The Congress shall have Power to . . . establish Post Offices and Post Roads . . . " In the Constitution, the power possessed by Congress embraces the regulation of the Postal System in the country. Therefore, the proposed legislation in naming a post office would fall under the powers granted to Congress in the Constitution.

By Mr. PETERSON:

H.R. 453.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the U.S. Constitution.

By Mr. ROSS:

H.R. 454.

Congress has the power to enact this legislation pursuant to the following:

Art. I, Sec. 8, Clause 1

By Mr. THOMPSON of Mississippi:

H.R. 455.

Congress has the power to enact this legislation pursuant to the following:

Clause 2 of Section 3 of Article IV of the Constitution: The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Ms. TITUS:

H.R. 456.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Sec. 8, clause 3

By Ms. TITUS:

H.R. 457.

Congress has the power to enact this legislation pursuant to the following:

The bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Amendment XVI, of the United States Constitution

By Mr. TROTT:

H.R. 458.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mrs. WAGNER:

H.R. 459.

Congress has the power to enact this legislation pursuant to the following:

Amendment XIII which authorizes Congress to make laws enforcing the extension of civil rights and universal freedom to victims of slavery.

Clause 18 of section 8 of article I of the Constitution which states that Congress has the power "To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. YOUNG of Iowa:

H.R. 460.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. UPTON:

H.R. 461.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8, clause 4 of the Constitution provides that Congress shall have power to "establish an uniform rule of Naturalization".

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 23: Mr. COSTA.

H.R. 38: Mr. ROKITA, Mr. MARSHALL, Mr. BANKS of Indiana, Mr. RENACCI, and Mr. HULTGREN.

H.R. 41: Mr. KELLY of Mississippi.

H.R. 60: Mr. YOUNG of Iowa, Mr. CAPUANO, Mr. PASCRELL, Mr. BERA, Mr. SIRES, Mr. RUIZ, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. PETERS, Mr. FASO, Mr. MACARTHUR, and Mr. MCKINLEY.

H.R. 80: Mr. WEBER of Texas, Mr. DUNCAN of South Carolina, Mr. JODY B. HICE of Georgia, Mr. BACON, Mr. PITTENGER, Mr. POLIQUIN, Mr. CARTER of Texas, Mr. AMODEI, Mr. CULBERSON, Mr. COMER, and Mr. KELLY of Mississippi.

H.R. 81: Mr. GARRETT.

H.R. 113: Ms. SCHAKOWSKY, Mr. ROYCE of California, and Ms. MICHELLE LUJAN GRISHAM of New Mexico.

H.R. 160: Mr. RYAN of Ohio, Mr. SOTO, Ms. PINGREE, and Mr. TIPTON.

H.R. 162: Mr. ENGEL and Mr. GRIJALVA.

H.R. 164: Ms. LEE.

H.R. 165: Ms. NORTON and Mr. SOTO.

H.R. 166: Ms. WILSON of Florida.

H.R. 167: Ms. WILSON of Florida.

H.R. 168: Mr. AL GREEN of Texas.

H.R. 172: Mr. HUDSON.

H.R. 174: Mr. LAMALFA and Mr. JODY B. HICE of Georgia.

H.R. 184: Mr. ELLISON, Mr. MITCHELL, and Mrs. RADEWAGEN.

H.R. 199: Mrs. DAVIS of California, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. SOTO, Mr. VELA, Mr. GONZALEZ of Texas, and Mr. GALLEGO.

H.R. 241: Mr. JONES.

H.R. 244: Mr. NUNES, Mr. CÁRDENAS, Mr. KNIGHT, and Mr. JONES.

H.R. 247: Mr. HUIZENGA and Mr. HURD.

H.R. 253: Mr. MEEHAN.

H.R. 257: Mr. LAMBORN.

H.R. 263: Mr. MOLENAAR, Mr. DUNCAN of South Carolina, and Mr. CULBERSON.

H.R. 329: Ms. NORTON.

H.R. 338: Mr. GENE GREEN of Texas.

H.R. 350: Mr. BUCK, Mr. KELLY of Pennsylvania, Mr. KELLY of Mississippi, Mr. WENSTRUP, Mrs. BLACK, Ms. SINEMA, Mr. COHEN, Mr. TIPTON, Mr. HURD, Mr. VALADAO, Mr. JOYCE of Ohio, and Mr. BABIN.

H.R. 351: Mr. AUSTIN SCOTT of Georgia and Ms. CASTOR of Florida.

H.R. 354: Mr. GOWDY, Mr. CHAFFETZ, Mr. FRANCIS ROONEY of Florida, Mr. RODNEY DAVIS of Illinois, and Mr. HIGGINS of Louisiana.

H.R. 358: Mr. JENKINS of West Virginia.

H.R. 361: Mr. SMITH of Texas, Mr. DUNCAN of South Carolina, Mr. GOSAR, Mr. BROOKS of Alabama, Mr. BARLETTA, Mr. JONES, Mr. FARENTHOLD, and Mr. LAMALFA.

H.R. 371: Miss RICE of New York, Mr. SCHRADER, and Mrs. CAROLYN B. MALONEY of New York.

H.R. 394: Mr. MEEHAN.

H.R. 400: Mr. ROUZER, Mr. FERGUSON, and Mr. RUSSELL.

H.R. 406: Ms. GABBARD.

H.R. 407: Mr. RUSSELL.

H.R. 422: Mr. BISHOP of Michigan and Mr. BUCK.

H.R. 429: Mr. BIGGS, Mr. PEARCE, and Mrs. COMSTOCK.

H. Con. Res. 4: Ms. MOORE, Mr. MEEKS, Ms. CLARKE of New York, Ms. WASSERMAN SCHULTZ, and Mr. GRIJALVA.

H. Con. Res. 8: Mr. WENSTRUP, Mr. CHAFFETZ and Mr. KATKO.

H. Res. 30: Mr. MEEHAN, Mr. CALVERT, Mr. TONKO, Mr. RUPPERSBERGER, Mrs. DINGELL, Mrs. TORRES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. NORCROSS, Mr. VELA, and Mr. GONZALEZ of Texas.

H. Res. 31: Ms. DELBENE, Mr. SERRANO, Mr. SEAN PATRICK MALONEY of New York, Mr. LOBIONDO, and Mr. JENKINS of West Virginia.



United States  
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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 115<sup>th</sup> CONGRESS, FIRST SESSION

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No. 7

## Senate

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. HATCH).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, our Counselor and Guide, give us the faith to believe in the ultimate triumph of truth and righteousness. Today, teach our lawmakers to do things Your way, embracing Your precepts and walking in Your path. Remind them that the narrow and difficult road eventually leads to abundant living. As You teach them to live abundantly, replace their fears with faith, their confusion with clarity, and their discouragement with optimism. Lord, remind them that no weapon formed against them will be able to prosper. Give them a strong faith in the efficacy of prayer, as they continue to commune with You throughout this day. May Your heavenly peace, which transcends human understanding, guard their hearts and minds today and always.

We pray in Your sacred Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mrs. ERNST). The majority leader is recognized.

### OBAMACARE

Mr. McCONNELL. Madam President, when ObamaCare's supporters forced

their partisan law on our country, they promised an easy-to-use system—one that would lower premiums and out-of-pocket health care costs, one that would foster choice and allow families to keep the plans and doctors they liked.

But it didn't take long for the American people to discover the truth about ObamaCare. Too many have been personally hurt by this law. Too many feel they are worse off than they were before ObamaCare. Listening to their stories helps to explain why they might feel this way.

For instance, too many Americans say their ObamaCare plans are too expensive to actually use. Too many say their ObamaCare premiums have gone up and up, although their options have diminished. Too many say their choices on ObamaCare have deteriorated to just one or two insurers.

These are some of the realities of ObamaCare for too many families in Kentucky and across the country. These are some inconvenient realities that those who continue to defend this failed law must finally face up to. Remember, even former President Clinton called ObamaCare "the craziest thing in the world." This was Bill Clinton on ObamaCare.

So it is little wonder that 8 in 10 favor changing ObamaCare significantly or replacing it altogether. We must act quickly to bring relief to the American people. I hope Democrats will work with us as we take the next steps toward repealing and replacing this failing law.

Tonight, Senators from both parties will have an important opportunity to take a vote on the legislative tools necessary to repeal ObamaCare. Then we can send it to the House and begin taking the next steps to finally move away from ObamaCare, while we move ahead with smarter health care policies. This is what the American people have called for us to do. It is the best way forward for our country and the people we represent.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

### RUSSIA

Mr. SCHUMER. Madam President, I rise today to speak on a matter of great importance to the foreign policy of this country: our relationship with Russia and the efficacy of international sanctions to achieve our international security goals.

The reports of the past 24 hours are extremely troubling. But one thing we now all agree on is that Russia is behind the hacking of our election, as even the President-elect has now just said. This makes it even more important that we not only keep the existing sanctions in place but that we institute a new, tough sanctions regime in response so Russia can't get away with what they did and other countries will know as well that they will suffer penalty if they try to interfere with our elections.

Unfortunately, this morning's Cabinet hearing on Mr. Tillerson's nomination is a very troubling sign of things to come. In one breath, Mr. Tillerson said that the invasion of Crimea is a violation of international law, and in the next, amazingly enough, he declined to commit to maintaining the existing sanctions regime against Russia. He said he wants to get classified briefings first and then consult with the President-elect. But I remind the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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country, as my friend the Senator from Florida, Mr. RUBIO, from across the aisle, did, that these sanctions are a result of past crimes.

We don't need a classified briefing to know what Russia has done in the past. To duck the question and to refuse to commit to continuing these sanctions is tantamount to sweeping Russia's flouting of international laws under the rug. It sort of says: Go ahead, interfere in our elections again; nothing will happen to you. It says the same to China and Iran or to any other country that might try to hack.

Secretary Nominee Tillerson has also not committed to new sanctions. Just yesterday, a bipartisan group of Senators, including the Senators from South Carolina, Maryland, Florida, California, Nebraska, introduced a tough, new sanctions-on-Russia bill for their interference in our elections. I support this effort. I believe the Senate should act soon upon it. I am very concerned that thus far the President-elect, Mr. Tillerson, and Senator SESSIONS have not endorsed these tough new sanctions.

The Senator from Florida—not from my party—also pressed Mr. Tillerson on a series of war crimes committed by the Assad regime and the Russian military in Syria. These crimes have been reported in the press and detailed extensively by people on the ground and discussed at length by my friend, the Republican Senator from Arizona, Mr. MCCAIN. Mr. Tillerson will not even acknowledge these violations of human rights and war crimes.

Finally, I am very concerned that despite the fact that we have registered lobbying disclosures from ExxonMobil itself, documenting their involvement in lobbying against Iran sanctions, Mr. Tillerson said this morning that Exxon did not lobby on sanctions, to his knowledge.

This comes on top of recent reports that Exxon avoided Iran's sanctions by dealing with Iran and other state sponsors of terrorism through a European subsidiary. This, too, is very concerning. It raises real questions as to whether the President-elect and his Cabinet are prepared to stand up to Putin, stand up to Iran, and represent the interests of the American people and defend our democratic allies around the world.

My friends on the other side of the aisle have nearly universally criticized this President, Mr. Obama, for his policy on Syria and for not being tough enough on Vladimir Putin. Republicans have always called themselves the party of Reagan. I don't need to remind any of them of his famous speech in West Berlin. Now, it seems, this fundamental tenet of Republican foreign policy, and indeed our national policy for the last few decades, is eroding before our very eyes. Now, it seems, the President-elect and his Cabinet may never address the international security policy challenges posed by Russia and state sponsors of terrorism like Iran

and Syria. If Mr. Tillerson cannot even say that he will support the existing sanctions, what kind of Secretary of State will he be? I am worried.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2017

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. Con. Res. 3, which the clerk will report.

The senior assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 3) setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

The PRESIDING OFFICER. Under the previous order, 3 hours of debate remain on the resolution for the majority and 3 hours of debate remain on the resolution for the minority.

Mr. SCHUMER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. TOOMEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO CHRISTOPHER GAHAN

Mr. TOOMEY. Madam President, I rise this afternoon to bid a very fond farewell to a man whom I have come to like very much and respect enormously. He is Christopher Gahan. He has been my chief of staff for 6 years. After 6 years of extraordinary service, he has decided that he is going to move on to the private sector. I want to say a few words about Christopher's background and his contribution to my office, to our country, and the people of Pennsylvania.

Christopher is actually from New Hampshire. He is a native of Rye Beach. After growing up in New Hampshire, he earned his degree in biology at Brown University and then went on to get a law degree from Harvard. I can assure everyone he has recovered from his educational experience to a very extensive degree.

He went into law and practiced at the law firm of Latham & Watkins in Los

Angeles and Washington. He had a very successful time there, but he decided he wanted to come to Washington and work in government and, specifically, work on the Hill. He went to work for Judd Gregg, Senator Gregg from New Hampshire, and Christopher Gahan, I understand, had almost every job that a Senate office has. He started at the very beginning, but because of his enormous talents and his ability and hard work, he relatively quickly rose and became chief of staff for Senator Gregg.

When I was elected to the Senate in 2010, I got a call within a matter of weeks from Christopher, and he said he wanted to come and meet with me and discuss the fact that I needed a chief of staff. He drove up to Allentown. We had lunch, and I decided almost immediately that this guy would probably do a great job. He clearly had the attributes that I was looking for.

I should also point out some of the things that are perhaps not as widely known about Christopher outside of my office. One is that he is a tremendous athlete. He has been for a long time. When he was in college, he was on the varsity men's water polo team. He was cocaptain at Brown, he was All-Ivy League, and to this day, he gets up at 4 or 5 o'clock every morning and usually goes for a run. He occasionally bangs out a marathon and thinks nothing of it. He has quite a diverse range of talents.

He also has a very peculiar taste in certain things. He loves all things related to cats, except the animals themselves. I don't understand that. Maybe it is an allergy; I am not sure exactly what it is. If you look at his desk area, he has funny photos of cats, little porcelain cats, little masks of cats, and a calendar of cats. He loves all things cats, except the animals themselves. It is quite remarkable.

Having said all of that about his background, what I really want to say is how fortunate Pennsylvania and I have been to have Christopher Gahan serving in this capacity. As I said, from the day that I had lunch with Christopher, I knew he could do a great job. I knew he had that ability. I had very high expectations for what he could do, and he has exceeded those expectations every day. It has really been quite amazing. He is a very intelligent man, but more importantly, he has great judgment and a great ability to work with people.

The role he has played in my office has been absolutely tremendous. For example, he is very knowledgeable about a number of issue areas, but he always understood that his role was to help the legislative assistants who had responsibilities for those areas. Christopher's role was to make sure that they were able to do the work they were assigned to do and to really shine and get a chance to excel and to grow personally. While he could have inserted himself in that dynamic, he never did. He always chose to empower



the people who worked under him, and he created an environment where people loved to come to work every day. They loved to work hard. They wanted to do well for a lot of reasons, not the least of which is they wanted to continue to earn the respect of Christopher Gahan.

Needless to say, he is extremely well liked, both within the office and on the Hill. I know how often other chiefs, other Members, people who come to us with concerns from Pennsylvania—they have praised his even-handed, very thoughtful, very hard-working approach. He has truly enabled us to have a very successful office for these last 6 years, and I am very grateful to him.

He is moving on to the private sector, and I understand that. He has served me and my office, our State and our country very well. He deserves the change that he has embraced, and I think he is going to do very well. I am sure he will, and I wish him every success. My only insistence is that he stay in touch because he has become a very good friend and he is just a great source of advice.

Lastly, he is a great patriot. He loves this country. He has served it well, and we are going to miss him.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, apparently a number of our colleagues here are having second thoughts about the strategy on the floor. We have before us a budget resolution. It is setting the stage for a budget process called reconciliation. To put it in layman's terms, we are going to be moving from this budget resolution vote to a vote at a time to be announced later, possibly in the next 2 weeks, to repeal ObamaCare.

There has been a lot of speculation about what the impact will be if we don't replace the Affordable Care Act, or ObamaCare, with something very quickly—for obvious reasons. We have seen 30 million Americans who now have health insurance because of the creation of the Affordable Care Act.

We have changed health insurance policies across the United States so that if you have someone in your family with a preexisting condition, you can't be discriminated against when you buy insurance.

Back in the old days, before ObamaCare became the law of the land, health insurance companies could just refuse to insure your family or charge you a premium that was beyond reach. We also eliminated the caps that were built in—the limits that were built into these health insurance policies. People were buying policies which cov-

ered up to \$100,000 in expenses. Then, God forbid, there is a diagnosis of cancer or some serious illness, and \$100,000 evaporates over a weekend.

So those limits are no longer allowed in health insurance policies. We said women should be treated the same as men when it comes to premiums. We also went on to say that, when it comes to these health insurance companies, they have to be focused on keeping premium costs in control, and they have to justify any profits that go way beyond the reasonable.

Then we said: If you are a mother or father with a son or daughter coming out of college and they are looking for a job, they are doing an internship, and they don't have health insurance, they can stay on your family policy until age 26.

That is pretty important for a lot of families. My family has been through that with our kids. To know and have peace of mind that your daughter or son can continue to be covered by your family plan—these things are all built into the Affordable Care Act. Now, simply repealing that, even saying it will happen at a later date, throws into question, if not chaos, our health care system in America.

A lot of people are finally thinking about that. It is not just a protest vote about a President who is going to be leaving office in 9 days. It is a life-and-death decision for health care for millions of Americans. Now many of my colleagues on the other side of the aisle are starting to wake up to that reality.

Senator COTTON of Arkansas said: "It would not be the right path for us to repeal ObamaCare without laying out a path forward."

Yesterday, House Speaker PAUL RYAN said that Republicans want to repeal ObamaCare "concurrently" with a replacement—"concurrently."

Senator LAMAR ALEXANDER, my friend and colleague from Tennessee, who chairs the Health, Education, Labor, and Pensions Committee, responded by saying: "To me, 'simultaneously' and 'concurrently' mean ObamaCare should be finally repealed only when there are concrete, practical reforms in place that give Americans access to truly affordable health care"—Senator ALEXANDER.

Newt Gingrich, the former Republican Speaker of the House, said: "I don't think Republicans want to leave 23 million people out there worried that they are going to lose their insurance."

So you go through the long list of Republican dissenters to this notion of repeal and we will get back to you later: Senators CORKER, PORTMAN, COLLINS, CASSIDY, MURKOWSKI. They have come up with an amendment to this budget resolution, and they have said: Let's postpone this whole effort until we have had time to put some work into it and come up with an alternative to answer some of the basic questions about what a new version of the Affordable Care Act would look like.

But the problem with that approach is that they have had 7 years—7 years—to prepare something, and they have nothing. So what are we going to do in the meantime?

We did the responsible thing, I hope. Let's find a way to make the Affordable Care Act even stronger, better, fairer. Sign me up. Make it a bipartisan effort. Don't repeal it. Sit down and rewrite it in a way that is fair and makes it stronger and better.

The basic things we want to make sure of are that people can have the same basic protection if they wish it in health insurance. Ensure that no one loses their current benefits, whether it is maternity care, mental health care, or substance abuse treatment, which is now required to be covered by health insurance plans. Ensure that no one's premiums or out-of-pocket expenses get out of line. Protect people with pre-existing conditions and don't just simply shift the cost to States—my State included—that could not afford to take this on. Keep drug prices down for seniors.

You see, that is a part I did not mention. Medicare is affected by the Affordable Care Act. Under Medicare, the 60 million Americans under Medicare used to have something called a doughnut hole. It was an odd invention when this bill was written into law. It said that Medicare for seniors would cover the front end of their prescription costs, if they are high, and, then, they have to take the middle part out of their savings, and, then, late in the year, Medicare kicked back in.

It was costing seniors \$1,000, \$2,000 a year. We eliminated it with the Affordable Care Act. Now, if you repeal that, what happens to seniors and their prescription drug costs? Those are legitimate questions which need to be answered before we go blindly into repealing the Affordable Care Act.

Let's work together—Democrats and Republicans—to make this a better law. I have said it before and I will say it again. The only perfect law that I am aware of was carried down a mountain by "Senator Moses" on clay tablets. The rest of the efforts that we put into this are always subject to review, amendment, and improvement. The Affordable Care Act I would put in that category.

If there is a good-faith effort on the Republican side to join with Democrats, I want to be part of it. I also want to salute my colleague, Senator DEBBIE STABENOW, who will be on the floor in a couple of hours to talk about the mental health protections and substance abuse treatment protections in the Affordable Care Act. We used to have this debate on the Senate floor about whether health insurance policies should cover mental illness. We debated that. For the longest time, they did not. People with those problems and challenges have long-term care, in some cases.

But because of the bipartisan effort of Mr. Paul Wellstone, the late Senator

from Minnesota, and Mr. Pete Domenici, the retired Senator from New Mexico—Democrat and Republican—we have included it in there. Senator STABENOW wants to make sure that whatever we write in the future is going to cover mental illness and substance abuse treatment.

Facing mental illness challenges across America, facing an opioid and heroin epidemic, we can do no less. Let me tell you a story about Lori Myers in Freeport, IL. She sent me a letter. Here is what she said:

I am writing to ask you to fight to preserve the ACA . . . it has literally saved our daughter Brianne.

Brianne has been insured through the ACA since its inception. . . . She has multiple health concerns and her prescriptions are insanely expensive without insurance.

Lori writes:

It is imperative that she continue to have health coverage in order to remain a functioning and productive adult. . . . She has excellent policies purchased through the Marketplace—with BlueCross BlueShield, and she receives a subsidy to assist with cost.

The increase in premium this year was offset by an increase in the subsidy. She is actually paying \$20-\$30 less for her policy this year than she did last year for basically the same coverage.

Ms. Myers says:

The election of our incoming President and the Republican-controlled Congress has our family in a panic mode. Paul Ryan and company want to take away programs that are assisting people: like Social Security, Medicare, Medicaid, and healthcare.

She makes this final plea:

I am asking you, as our elected official, to stand strong against any attempt to dismantle the Affordable Care Act and these other extremely vital programs.

What does it mean for seniors—the Affordable Care Act?

Well, the first thing it did was to start to contain the growth in health care costs. That had a dramatic impact on Medicare and its future. Because of the Affordable Care Act and the changes it includes, which give to seniors, for example, free preventive health exams and that sort of thing, and because of prescription drugs now being covered so it does not come out of pocket for many seniors—because of these changes and others—Medicare is now financially solvent through 2028.

ObamaCare, or the Affordable Care Act, added 10 years of solvency to Medicare. That is critically important. What happens when they repeal it? Because we slowed the pace of Medicare costs, seniors are now paying \$700 less each year in premiums and cost sharing, on average. Premiums are down, and Medicare solvency is up. We want to repeal that?

Our health care system now prohibits insurers from charging seniors much higher premiums simply because of age. Seniors were often charged five times what younger people paid for health insurance—banned by the Affordable Care Act. ObamaCare, as I mentioned earlier, closed this dough-

nut hole, saving 11 million seniors an average of \$2,127 on their prescription drugs. They want to repeal that?

Thanks to ObamaCare, more than 30 States have expanded their Medicaid Program. People often forget that the vast majority of money spent on Medicaid is for seniors who are in an institutional or at-home-by-themselves setting. So when you cut Medicaid—and people say that it must be the poor unemployed; it is—but the largest amount of money is going to seniors—mothers and fathers, grandmothers and grandfathers.

The Affordable Care Act has been good for kids across America. Between 2013 and 2015 we saw the largest decline of children uninsured in our Nation's modern history. Today, more than 95 percent of kids in America are insured. We ought to be proud of that. In Illinois, there is a 40-percent decline in the number of children uninsured. Under our current health care system, children can now stay on their parents' plans till age 26, as I mentioned.

The number of young adults ages 19 to 25 without health insurance has declined by over 50 percent since we passed this bill. In Illinois, more than 90,000 young people have signed up. Today, insurance companies are required to cover important health care for children free of charge—vaccinations, vision checks, lead poison screening. Of course, we ended the pre-existing condition provisions. The Republicans want to repeal this. What will they replace that with to protect children and seniors?

When it comes to women, because of ObamaCare, the uninsured rate for adult women in America has declined by 44 percent. Today, women can no longer be charged more than men simply because of their gender. Our health care system now prohibits insurers from discriminating based on pre-existing conditions. There was a time, literally, when health insurance companies said being a woman is a pre-existing condition. We are going to charge you more.

Our health care system now ensures that women can get free preventive health services. Before ObamaCare, 62 percent of individual health plans did not cover maternity or newborn care. Today, it is a requirement.

So when you talk about cutting the cost of health insurance and that we will just take off some of these benefits, understand what you are doing. If you take the basic maternity care out of a health insurance plan, and it is not included and it is needed, that family is going to have to bear that expense.

If they can't pay the bill—some won't be able to—who is going to pay for it? The hospital will deliver the baby and send the mother and baby home happy and healthy, I hope. But the cost will be passed on to everyone else who shows up at that hospital with a health insurance plan. That was the old days. Do the Republicans want to return to that?

In the area of behavioral health, as I mentioned earlier, thanks to ObamaCare, health insurance plans now cover mental health and substance abuse disorders. The law extended protections under the Mental Health Parity and Addiction Equity Act to 60 million Americans in private health plans. This means that insurers can no longer discriminate against individuals with mental illness or addiction.

Our health care system now prohibits insurers from discriminating based on preexisting conditions, including the 44 million Americans with some history of mental illness and 20 million with a substance abuse disorder.

When you repeal this, as the Republicans plan on doing, what will they replace it with? What will they say to the families who have someone with a mental illness or someone suffering from a drug addiction?

Substance abuse and mental health disorders often present in young adulthood, and that is why the provision that families can keep their kids on their plan is at the right time and the right place for many young people.

There is a long list of things that were done by the Affordable Care Act. It is one thing to campaign and say: We will repeal it. People cheer. And then you ask yourselves: What are you going to say, as some of the Republican leaders have said, to the people who are going to lose this coverage, to the people who want their guarantees built into their health insurance plans?

I can still remember—and I will bet many watching this debate can too—the bad old days when you called up that adjuster for the health insurance plan that you owned and wondered how long you were going to sit on hold for the person on the other end and if the person on the other end would even be able to comprehend what you were asking.

These sorts of things don't need to be returned as evidence that we are making progress. If we go back to those bad old days, it is a step in the wrong direction for millions of Americans.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Madam President, I am not going to get into a lot of the things that Senator DURBIN got into about increasing the lifespan of Medicare or issues that revolve around folks who get charged more just because they are a woman. But I do want to approach this health care debate from a standpoint of how it is going to impact rural America because it is going to impact rural America in a huge way.

Before I start my prepared remarks, I just want to say something. For the last 6 years, I have listened to folks stand on this floor and talk about repealing health care, repealing health care, repealing health care. Now the folks on the other side of the aisle can do it if they want. But for the last 6 years, I have never seen a plan to replace the Affordable Care Act, and I

still haven't seen a plan. I am going to tell you that if we repeal this bill without a plan to replace it, we will have big, big problems in this country. And if we repeal this bill without a plan that increases accessibility and affordability across this Nation in urban and rural and frontier areas, we will have big, big problems.

I have been visiting for the last—well, it has been over a year but, more specifically, since the election, with folks across rural America on the impacts of repealing this health care bill. These are folks who work to feed our country, farmers and ranchers. These are folks who work with their hands to manufacture products that have that “Made in the USA” stamp on it. These are folks who teach our children, who help keep our families safe, who operate retail businesses on Main Street. These folks, in my opinion, are the backbone of this country.

I am proud to be a product of that rural America, hailing from a town with a population today of about 600 people, so I am not here talking about what is going on in Chicago or L.A. or New York or any of the other big cities. I am going to talk to you about communities where you know your neighbor; communities where you are driving down the street, and you see that pickup, and you know who is in that pickup; folks who, when you go down to the local grocery store, you know their first name. These are towns where often the hospital is the largest employer and it is the only source of health care, that foundation that keeps families healthy.

I am here to talk to you about how this Affordable Care Act has been so important to those families in rural areas in States like mine. By the way, all of Montana is rural.

Today, more Montanans have health insurance than ever before. That is undeniable. Folks are no longer denied coverage by insurance companies because they have preexisting conditions like diabetes nor are they forced to pay higher premiums because they have common ailments like high blood pressure. Children are able to stay on their parents' insurance policies for a time until they finish their college career or launch lives of their own. Folks who have life-threatening diseases like cancer can now finish the treatments without hitting an arbitrary cap and being kicked off their insurance plan. Now they are required to be able to stay on it. And seniors can get out of the prescription drug doughnut hole faster, which was costing them millions of dollars each and every year. In fact, since the ACA was signed into law, Montana seniors alone have saved \$56 million in prescription drug costs and there is enough money in the bank, as I said in my opening, to keep Medicare above water through 2028.

These reforms have made incredible impacts on people in rural America. But don't just take my word for it; listen to everyday Montanans. I have

been traveling across that State, hearing their stories, hearing their struggles, hearing their successes.

Just this weekend, a man stood up at a public forum I was hosting in Missoula and talked about how the ACA saved his life. He told me that he had a heart attack the previous week. He was home and started having some chest pains. He picked up the phone, called his doctor—a doctor who he had, thanks to the insurance he received under the ACA.

Luckily, he survived his heart attack, was able to get the treatment he needed, and was able to come to my roundtable that I had in Missoula. He told me: I know myself, if I did not have insurance, and I could not afford to get it without the ACA, I would not have called the doctor, and I would have died. As pointedly as that, he would have died.

I have traveled around Montana. I have found that this story is not unique. I can take you to a coffee shop in Havre—population 8 to 10,000—where seniors have told me that they no longer have to choose between prescription drugs and heating their homes.

I can take you to the grocery store in Great Falls, where a man came up to me and said: “I finally have peace of mind that I won't lose my home if I get sick.”

Or I can introduce you to my best friend growing up in Big Sandy, who now lives in Seattle, who no longer can be denied coverage due to the fact that he has diabetes, a preexisting condition.

These are real success stories and real-life impacts across Montana and across this country. But rather than build on the successes of the ACA and fix the problems with the ACA, there are folks in this body who want a full-scale repeal, ignoring any of the progress that we have made.

They want to go back to the old health care system. And here is what that would look like in Montana: 152,000 Montanans with preexisting conditions will be at risk of losing their health care plans; 61,000 Montanans enrolled in Medicaid—just in the last year because that is when the Medicaid expansion actually went into effect—will lose their health care coverage. Montana seniors will lose help paying for their prescription drugs. Insurers will be allowed to subject every Montanan to lifetime and annual caps on their coverage. And women will lose important protections that prevent them from being charged more for coverage than men.

It doesn't stop there, folks. Their plan to repeal health care coverage without presenting a replacement doesn't just impact families. It will wreak damage on our rural hospitals and clinics too.

I will tell you that if we lose these hospitals and clinics—and we all know how rural America is drying up—it is another nail in the coffin of rural

America. Folks will not be able to live there if they are over the age of 50 because they will have no access to health care.

The Affordable Care Act has provided rural hospitals and clinics a level of certainty that, quite frankly, they have never had before. Every day in rural communities, folks rely on their local hospitals and clinics for everything from basic checkups to emergency treatments. I know. And as folks age, they have the peace of mind to know that they can visit their hometown provider without being forced to travel long distances.

But if folks in Congress take us back to the old health care system, they put these local hospitals and clinics at extreme risk.

Take Mineral County in Superior, MT. The county is home to just over 4,000 people—not a lot by national standards but a lot by Montana standards—nurses, schoolteachers, construction workers, all folks who want reliable access to affordable care. According to the Mineral County Hospital CEO, a repeal of the ACA would mean a real loss to that community. The hospital would be probably shutting its doors.

Without a hospital in that community, folks would be forced to travel over 100 miles to deliver their baby or take an expensive air ambulance ride, which is a whole other problem, for emergencies that come down the pike, like a broken arm. And if I am a new parent or senior, I will not be taking that risk. I am going to be moving closer to a hospital. But there are a lot of folks who can't afford to leave their homes—in some cases, homesteads, where their families have lived for generations—to move somewhere closer to medical care.

I can tell you that in my small community, there are a lot of folks, who, when they hit age 65, have to move to a bigger town to be able to have access to the kind of specialty care they need. You can move that age down to age 50 if we lose these hospitals in these rural areas. These rural hospitals not only keep patients alive; they keep communities alive too. A repeal of the ACA—I am told by the hospitals—would kill those rural hospitals which, as I said before, would be another nail in the coffin of rural America.

Let's take, for example, the Billings Clinic, which is Montana's largest health care provider. They are responsible for innovating and providing critical resources to rural areas through things like telemedicine. But the Billings Clinic will not be able to make this large-scale impact anymore if their patients are no longer able to pay their medical bills because they lost their access to Medicaid, cost-free preventive care, or insurance from the marketplace. Repealing the ACA will restrict their ability to provide quality care and jeopardize their standing as a pillar in Montana.

It is not just hospitals either. It is community health centers serving over

100,000 Montanans every year, fully one-tenth of our population. They are at risk of losing 70 percent of their Federal funding.

Let me repeat: If health care progress is repealed, the community health centers in Montana will be at risk of losing 70 percent of their Federal funding. These devastating impacts are not unique to Montana, but this is how it is going to play out across this country in rural areas with hospitals and clinics—more uncompensated care, more trips to the emergency room without insurance, more hospitals facing the grim reality of having to close their doors.

Oftentimes I wonder if it really matters to Congress. It looks as if they intend to go through with their plan, which will have devastating impacts on the patients, and, by the way, it will have devastating impacts on their taxpayers.

Repealing this health care coverage without a replacement will add an additional \$350 billion—\$350 billion—to the deficit and the debt over the next 10 years, and this budget resolution will saddle the next generation with an additional \$9 trillion in debt over the next decade.

You know, it is amazing. When I came to this body, there were folks talking about the debt all the time. In the last 2 years, I have heard little talk about the debt. With the exception of RAND PAUL, everyone who was supposedly a deficit hawk voted to increase our deficit and debt by \$9 trillion over the next decade. This would push our total national debt to nearly \$30 trillion by year 2026. I stand with RAND PAUL on this one. Hamstringing the next generation with additional debt is unacceptable, especially when you are taking away their health care coverage to boot.

As folks try to jam this bill through Congress, I have barely heard a peep about this increase to the deficit. Oh, my, how times have changed.

The folks who are normally card-carrying Members of fiscal restraint are now swiping the credit card of the next generation. I dare those Members to go back home and tell their neighbors that you are going to take away their health coverage, and, oh, by the way, you are going to add about \$9 trillion to the debt too. Try to do that with a straight face.

I will be the first to tell you that the ACA isn't perfect. I have heard that also in my travels across Montana. Costs have gone up. Premiums are rising. Many hard-working middle-class families cannot afford health care. That is unacceptable. So we ought to do something about that.

Let's tackle rising premiums. Let's hold health insurance and drug companies accountable. Let's put patients before profits. But I am telling you, repealing all the progress we have made will not do that. We need to build on the successes we have had in the last few years, not tear them down.

Members of this body, quite frankly, this is not just a debate about health

care. It is a debate about our economy, our growing deficit, the foundation of our rural communities.

The folks in this Congress who are pushing to repeal without a replacement will kick families off their health insurance, close down rural hospitals and clinics, and add \$9 trillion to the debt if they succeed.

Rather than go down this dangerous path, I have a suggestion. Let's roll up our sleeves and work in a bipartisan manner to increase access and affordability, to lower the cost of care, to bring down prescription drug prices. I will tell you, I am willing to work with anyone: Republican, Democrat, Independent, Libertarian, whoever wants to have a serious conversation about improving our Nation's health care system. But I am not going to allow folks in this body to take us back to the old days, the days when our friends and families couldn't afford to get sick.

Members of the Senate, it really is time to listen to what is going on, on the ground. We have an opportunity to build on the progress we have made, and work towards a bipartisan solution that will work for the backbone of this country, the folks in rural America.

I yield the floor.

The PRESIDING OFFICER (Mr. TILLIS). The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I rise in favor of amendment No. 82. This amendment would make it so anyone in Congress trying to destroy the Affordable Care Act would not be allowed to touch women's health care services.

I have been listening to my colleague from Montana and my colleagues in this Chamber speak about health care in our country, and after many hours, I am worried there is a lack of concern. I am worried there is a basic lack of empathy of what is going to actually happen to millions of Americans, and I am particularly worried about what will happen to women and their children and their families. So I want to spend a moment just talking about what the ACA actually provides for women and what actually will happen when it is no longer there.

I am very concerned that we are barely 1 week into the new Congress and too many of my colleagues have already made it clear that their most urgent priority this year is to take our country back to its darker days when women could be denied coverage and charged higher health care premiums just because they are women. I am outraged by this, and I stand with millions of American women and men, moms and dads, sons and daughters who are outraged too. The Affordable Care Act uniquely gave women access to health care on a level that was unprecedented. In fact, 9.5 million more women now have access to basic health care because of that law.

In my State alone, thanks to the Affordable Care Act, women can now have access to contraceptive care, cancer screenings, and mammograms. Millions of women who were pregnant or

survived diseases like cancer are able to keep seeing their doctors without fear that their health insurance companies will take it away, but too many people in this Chamber don't seem to understand that consequence or seem to care about that consequence. After years of talking about it, some of my colleagues now seem determined—even entitled—to take away this lifesaving health care for millions of women.

The election in November was not about women's health care. No one came to Congress with a mandate to take away women's access to mammograms and cancer screenings, but now we are one big step closer to once again making it impossible for millions of American women to see a doctor when they need to in order to access basic medicine and reproductive health care services so they can live healthy, happy, productive lives. For some, there is a very real risk that if they do get cancer or some other life-threatening disease, they will have to declare bankruptcy just to pay for the health care they need. This is something we must stand together to stop. It will show the American people that we understand what is happening to them. The consequences are too real and too dangerous, and for too many families the consequences are actually life or death.

We should never go back to the days when insurance companies can tell a woman: You are no longer economic for us. We can't make money insuring pregnant women. We cannot go back to the days where insurance companies can tell a breast cancer survivor to go elsewhere because their insurance costs too much. I don't think we can ever go back to the days when insurance companies can simply charge women more for the same plan than men. We should not turn back women's basic health care rights.

My amendment makes it very clear that the Senate would be forbidden from directing the committees to cut funding for basic women's health care services. It would ensure that the women's health care protections we put into the Affordable Care Act would stay there and women would have access going forward. It protects vital services such as disease screenings and comprehensive reproductive care that millions of women in my State rely on.

If my colleagues destroy the Affordable Care Act, it will have real, direct, and painful consequences for a lot of women and the families who love them. I think it would be what we call the ultimate overreach by Congress, and it would take years to fix.

I urge my colleagues to not let these protections be taken away from American women and their families, and I urge my colleagues to join me in supporting this very simple amendment.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. SCHUMER. First, Mr. President, let me thank my dear friend and colleague from New York, not only for her

great remarks today and her amendment but for her passion, intelligence, and success in fighting for equality for women. I very much appreciate those efforts.

SENATOR BOOKER'S TESTIMONY BEFORE THE  
JUDICIARY COMMITTEE

Right now Senator BOOKER, my friend from New Jersey, is beginning his testimony before the Judiciary Committee. Senator BOOKER sought to testify before this panel, and it was unprecedented. My friend Senator BOOKER is a leading voice, not just in this caucus but in this body, on civil rights and so many other issues. He speaks with a passion and eloquence and intelligence on these topics and with a knowledge and depth from which we all benefit.

I regret that a sitting U.S. Senator has to fight to earn the right to speak at the Judiciary hearing on Thursday, and I regret the manner in which he was treated—he and his colleagues from the House—being placed on the last panel today. Traditionally, Senators want to speak early on. That was the case, and I am glad he is testifying.

He is speaking right now, and I would urge my colleagues and all of America to tune in and watch because what Senator BOOKER has to say will be very important for all of us to hear.

I thank the Presiding Officer, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I have crossed through and beyond 150 "Time to Wake Up" speeches. People sometimes ask me how I come up with the material. It is actually easy, even week after week after week, because it only takes reading the news. If we look back at the headlines and dubious milestones of 2016, we find plenty to talk about.

Last year was hot. NASA and NOAA are expected to certify later this month that 2016 was the hottest year in recorded history, exceeding the previous record set by 2015 and the previous record set by 2014. What this means is, 2014, 2015, and 2016 have each succeeded the last as the three hottest years on record.

The United Nations World Meteorological Organization found that the world was 1.2 degrees Celsius or over 2 degrees Fahrenheit warmer in 2016 than it was before the Industrial Revolution and the dawn of wide-scale fossil fuel use.

We are careening closer and closer to the 2-degree Celsius mark which scientists say brings, to quote Donald Trump in 2009, "catastrophic" and "irreversible" climate effects.

In 2016, climate change continued to make some places almost unrecogniz-

able. Up north in the Arctic things got bizarre. Thermometers spiked in mid-November to almost 35 degrees Fahrenheit warmer than normal, with a 37-year low in the nearby sea ice. The peaks were about 50 degrees above normal, and around Christmas it actually rose above freezing at the North Pole. Imagine, the snow was actually beginning to melt at the North Pole just as Santa was loading his sleigh with Christmas gifts.

In the tropics, undersea forests of once colorful coral stood bone white as the Great Barrier Reef experienced the greatest bleaching and coral die-off on record. What happens is that the superwarm water stressed the corals. That forces them to expel the tiny algae that lives symbiotically with the coral, providing them their food, and that is what gives coral reefs their beautiful color and their life. When the algae go, the coral structures turn ghostly white. They often do not recover.

It is not just the Great Barrier Reef. My clips today included a story from Japan, whose biggest coral reef has just been determined to be 70 percent dead.

The researchers in Australia found severe bleaching throughout the Great Barrier Reef. The Guardian reported in March that "93 percent of the 3,000 individual reefs [had] been touched by bleaching, and almost a quarter . . . [had] been killed by this bleaching event."

By November, around two-thirds of the northern portion of the Great Barrier Reef had died, with some atolls suffering complete devastation. Warming is at the heart of that catastrophe.

We also know from the physical laws of thermal expansion that as ocean water warms, it does something else. It expands. The oceans also are taking in melting water from our shrinking glaciers. Together, those factors are causing sea levels to rise worldwide. Last year, the Proceedings of the National Academy of Sciences predicted that at our current pace, over 90 percent of the world's coastal areas will experience almost 8 inches of sea level rise by 2040. Year 2040 is not that far away. On the Atlantic coast of the United States, it will be more than 15 inches. By 2040, a house that you bought on the coast today could be literally underwater before you paid off your 30-year mortgage. The real estate business is starting to take notice.

Zillow, the online real estate marketplace, has released a tool for users to show how potential sea level rise by 2100 would affect the over 100 million U.S. homes in its database. Around 1 in 50 homes in the United States, or just under 2 million properties, will find their ground floors underwater by 2100 if we don't get ahead of this. Thirty-six U.S. cities would be considered "completely lost"—those are their words—"completely lost," and another 300 cities would lose at least half their homes. This doesn't even include commercial or public properties.

Government-backed mortgage giant Freddie Mac is girding for broad losses from climate-driven flooding. "The economic losses and social disruption may happen gradually," it wrote in an April 2016 report, "but they are likely to be greater in total than those experienced in the housing crisis and Great Recession."

Let me say that again. The economic losses "are likely to be greater in total than those experienced in the housing crisis and Great Recession."

The report says some of the effects of climate change may not even be insurable and, unlike our 2008 housing crash, owners of homes that are subsumed by rising seas would have little expectation of their homes' values ever returning and, therefore, little incentive to continue to make mortgage payments through the crisis, and that, in turn, adds to steeper losses for lenders and insurers.

Remember that Donald Trump signed, along with his children, this full-page ad in the New York Times in 2009. Here is what it said, speaking as Americans:

[W]e must embrace the challenge today to ensure that future generations are left with a safe planet and a strong economy. . . .

He said to the President in this advertisement:

We support your effort to ensure meaningful and effective measures to control climate change, an immediate challenge facing the United States and the world today.

It went on:

Please don't postpone the earth. If we fail to act now, it is scientifically irrefutable—

Let me repeat his words—

scientifically irrefutable that there will be catastrophic and irreversible consequences for humanity and our planet.

That is what Donald Trump and his family said in a 2009 ad, "catastrophic and irreversible."

We have been warned.

President-Elect Trump also pledged to "drain the swamp" here in Washington of corporate insiders and special interests. But we don't see that. We see an alligator pack of climate deniers, oil executives, and Koch brothers flunkies nominated to fill his Cabinet, his White House, and his executive agencies.

The Koch brothers, Exxon, and other special fossil fuel interests stand on one side. On the other side stand our military, our National Labs, and NASA.

Let me put in a little footnote on NASA. They have a rover driving around on the planet Mars right now. Do you think their science might be OK? And, on the other side, also, I think, is every university in the United States of America. That is the choice: The fossil fuel guys, led by the Koch brothers and ExxonMobil, and the whole array of phony baloney front groups that they have stood up to try to mask their hand, or the virtually complete science establishment of the world, every Nation, our military, our National Labs, and all of our universities. Who are you going to believe?

The ones with the huge conflict of interest or the people who know what they are talking about?

Well, too many people in this room have made the wrong choice, but we need to fix it.

In Rhode Island, some good things happened last year. After over 8 years of work, we have the Nation's first offshore wind farm. Thirty megawatts, five turbines came online in December 2016—the Block Island Wind Farm. I am proud of Deepwater Wind for getting it done. I am proud of Rhode Island for establishing a process for siting an approval that is now a national model. It is part of a transformation that happened, emphasized in 2016, and that was jobs in the renewable energy industry taking off.

At the end of 2016, we had 400,000 wind and solar jobs, and by 2020, that number is expected to be 600,000. As employment climbs in these industries, costs for renewable technologies continue to drop compared to fossil fuels.

Last year we saw new records for electricity generation from renewable sources. Texas wind generation hit a record 15 gigawatts in December of last year, meeting 45 percent of the State's power needs, with 18,000 megawatts installed and another 5,000 megawatts under construction.

In Iowa, MidAmerican Energy is planning to add 2,000 megawatts of new wind by 2019. Once installed, 85 percent of the energy MidAmerican generates will be renewable.

We continued to make real progress internationally in 2016 as well. Earth Day was the signing ceremony for the historic Paris climate agreement. Nearly 200 nations pledged to reduce their greenhouse gas emissions. By October, we met the threshold for ratification of that agreement, when over 55 countries officially joined, and the agreement was fully adopted in November.

Just this week, over 630 companies and major investment firms, with a combined 1.8 million employees and \$1.15 trillion in annual revenue, called on President-Elect Trump, us in Congress, and global leaders to continue to participate in and implement the Paris Agreement to “create jobs and boost U.S. competitiveness.”

This is the business community saying that the Paris Agreement will create jobs and boost U.S. competitiveness.

Signatories included food giants General Mills, Kellogg's, Campbell's Soup, and Mars; apparel companies VF Corporation, Nike and Levi's; and other corporate heavy weights like Monsanto, DuPont, Intel, and Johnson & Johnson.

Mr. President, I ask unanimous consent that the “Business Backs Low-Carbon USA” letter be printed in the RECORD at the conclusion of my remarks.

I sure hope President-Elect Trump will heed this call from the leaders of the business community.

Closing word: Secretary of State Kerry, in addition to providing great leadership through this, has also started doing something that I know is precious to him and that is important to me and many of our colleagues; that is, to give oceans the global attention they deserve. In September, more than 90 countries convened here in Washington for the Our Ocean Conference. Nations, nonprofit organizations, foundations, and big corporations all came together pledging over \$5 billion for marine conservation and committing to protect more than 1.5 million square miles of ocean. Secretary Kerry secured the legacy of the Our Ocean Conference by locking in hosts for the conference for the next 3 years.

So 2016 was a year of worsening climate effects but also of heartening climate action. The dramatic changes taking place in the Earth's climate are now undeniable, but so is the growing spirit of action among men and women of good conscience across the United States and around the world. One can hope that 2017 will be the year when we in this Chamber finally wake up.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### BUSINESS BACKS LOW-CARBON USA

DEAR PRESIDENT-ELECT TRUMP, PRESIDENT OBAMA, MEMBERS OF THE US CONGRESS, AND GLOBAL LEADERS:

We, the undersigned members in the business and investor community of the United States, reaffirm our deep commitment to addressing climate change through the implementation of the historic Paris Climate Agreement.

We want the US economy to be energy efficient and powered by low-carbon energy. Cost-effective and innovative solutions can help us achieve these objectives. Failure to build a low-carbon economy puts American prosperity at risk. But the right action now will create jobs and boost US competitiveness. We pledge to do our part, in our own operations and beyond, to realize the Paris Agreement's commitment of a global economy that limits global temperature rise to well below 2 degrees Celsius.

We call on our elected US leaders to strongly support:

1. Continuation of low-carbon policies to allow the US to meet or exceed our promised national commitment and to increase our nation's future ambition

2. Investment in the low carbon economy at home and abroad in order to give financial decision-makers clarity and boost the confidence of investors worldwide

3. Continued US participation in the Paris Agreement, in order to provide the long-term direction needed to keep global temperature rise below 2 °C

Implementing the Paris Agreement will enable and encourage businesses and investors to turn the billions of dollars in existing low-carbon investments into the trillions of dollars the world needs to bring clean energy and prosperity to all.

We support leaders around the world as they seek to implement the Paris Agreement and leverage this historic opportunity to tackle climate change.

22 Designs, 3P Partners, 3Sisters Sustainable Management, LLC, 475 High Performance Building Supply, 900 Degrees Neapolitan Pizzeria, **Abt Electronics**, Abundance Food Coop, **Acer America Corporation**, Ac-

tive Minds LLC, Addenda Capital, **adidas Group**, **Adobe, Inc.**, Aegis Renewable Energy Agrarian Ales, AJO, **Akamai Technologies, Inc.**, Allagash Brewing Company, **Allianz**, Allumia, AlphaFlow, Inc., Alta Ski Area, Altiz Orchard, Amalgamated Bank, **AMD**, **Ameresco, Inc.**, American Outdoor Products, Inc., Amherst College, Amicus GBC, LLC, Anchor, Ankrom Moisan Architects, Annie Card Creative Services, **Annie's, Inc.**, Anthesis Group, Anthropocene Institute, Apricus Inc., Arapahoe Basin, Artemis Water Strategy, As You Sow, Aslan Brewing Company LLC, Aspen Brewing Company, **Aspen Skiing Company**, Athena Sustainable Materials Institute.

Athens Impact LLC: Socially Responsible Financial Services, Auralites Inc., Auralent Consulting, **Autodesk, Inc.**, **Aveda**, **Avery Dennison**, Azzad Asset Management, Baldwin Brothers Inc., Beautycounter, Belay Technologies, Inc., BELKIS Consulting, LLC, **Ben & Jerry's Homemade, Inc.**, Bent Paddle Brewing Co., Bergsund DeLaney Architecture & Planning, Bespoke Corporate Communications, Big Kid Science, Big Path Capital, Biodico, **Biogen, Inc.**, Biohabitats, Inc., BioJam Industrial Research & Development Global, Inc., Biosynthetic Technologies, BKW III, LLC, Blackthorne S&D Consulting, Blogs for Brands, **Blue Cross Blue Shield of Massachusetts**, Blue Moon Wellness, Blue Mountain Solar Inc., Boardwalk Capital Management, Bora Architects, Boreal Mountain Resort/Woodward Tahoe/Soda Springs Ski Resort, Borst Engineering & Construction LLC, Boston Common Asset Management, Bowling Green LLC, Box Digital Media, BR+A Consulting Engineers, Breathe New Hampshire, Breathe Deep, Brewery Vivant, Brit + Co, Broadside Bookshop, Buglet Solar Electric Installation, Bump'n Grind, Bunk House at ZION Bed & Breakfast, **Burton Snowboards**, Business Wisdom, C+C, **CA Technologies**, Califia Farms, California State Teachers Retirement System, Calvert Investments, Calypso Communications LLC, Cambridge Energy Advisors, **Campbell Soup Company**, Carbon Lighthouse, Carolina Biodiesel, LLC **Catalyst Paper Corporation**, Catalyze Partners, CDI Meters, Inc., CEO Pipe Organs/Golden Ponds Farm, Cerego, CEVG, Charge Across Town, Che Qualita Enterprises, Inc., Cheryl Heinrichs Architecture, ChicoEco, Inc DBA ChicoBag Company, Christopher Reynolds Foundation, City Brewery, Clean Agency, Clean Edge, Inc., Clean Energy Collective, Clean Energy Investment Management, Clean Technology Partners, LLC, Clean Yield Asset Management, CleanCapital, Clear Blue Commercial, **Clif Bar & Company**, Climate Coach International, LLC, Climate First!, Climate Ready Solutions, Cloudability, Coelius Consulting, Coerver Analytics, LLC, Columbia Green Technologies, **Columbia Sportswear Company**, Community Capital Management, Inc., Confluence Sustainability, Congregation of Sisters of St. Agnes, Congregation of St. Joseph, Connecticut Retirement Plans and Trust Funds, CONTEMPLE8 T-SHIRTS LLC, Cool Energy, Cooper Spur Mountain Resort, Copper Mountain Ski Resort, Copyrose Marketing & Communications, Cornerstone Capital Group, **Craft Brew Alliance**, Creekwood Energy Partners, Crystal Mountain, CTA Architects Engineers, Current Media Group, Cyclone Energy Group, Dahlman Ranch, Inc., Dana Investment Advisors, **Dannon Company, Inc.**

Daughters of Charity, Province of St. Louise, DBL Partners, Deep Green Inc, Deer Valley Resort, Dehn Bloom Design, Deschutes Brewery, Detour, **Dignity Health**, Distance Learning Consulting, Do Good Investing, LLC, Domini Social Investments LLC, Dominican Sisters of Mission San Jose, Dominican Sisters of Peace, Dominican Sisters of



San Rafael, Dominican Sisters of Sparkill, Drew Maran Construction, Inc., **DuPont**, Durango Compost Company, Eaglecrest Ski Area, Earth Friendly Products (ECOS), EarthKind Energy, Earthshade Natural Window Fashions, **Ebates**, **eBay**, Echo Credits, Echo Mountain, **Eco-Products**, Ecogate, EcoPlum, ecoShuttle, Ecosystems Group, Inc., Eighty2degrees LLC, **EILEEN FISHER**, Eleek, Inc., Elephants Delicatessen, Ellenzweig, Emerger Strategies, Empowerment Solar LLC, Endosys, Energy Optimizers, USA, **Entercom Communications Corp.**, Environment & Enterprise Strategies, EOS Climate, Epic Capital Wealth Management, Eskew+Dumez+Ripple, Espresso Parts LLC, Essex Timber Co. LLC, Ethical Markets Media Certified B Corp., ETM Solar Works, Eva Realty, LLC, Everence & the Praxis Mutual Funds, Exact Solar, Fairhaven Runners, Inc., Faller Real Estate, Felician Sisters of North America Inc., Leadership Team, **Fetzer Vineyards**, Fiberactive Organics.

Filtrine Mfg. Co., First Affirmative, Financial Network, Flink Energy Consulting, FOG Pharmaceuticals, Inc., Four Twenty Seven, Franciscan Sisters of Allegany, NY, **Fremont Brewing**, Friends Fiduciary Corporation, Future Energy Enterprises, LLC, Gale River Motel, LLC, **Gap Inc.**, Garmentory Inc., Gauthereau Group, GCI General Contractors, **Genentech, Inc.**, **General Mills, Inc.**, Gerding Edlen, Gerding Edlen Development, Gladstein, Neandross & Associates, Globetrans EC, GO Box, Going Beyond Sustainability, Good Company, Good Energy Guild, Goodmeetsworld, Granlibakken Management Company, Green Alliance, Green Century Capital Management, Green Hammer, Green Heron Tools, LLC., Green Pod LLC, Green Star, GreenBeams, LLC, GREENPLAN Inc., Greentown Labs, **Hackensack Meridian Health**, Hammerschlag & Co. LLC, Hanging Rock Animal Hospital, Inc., Hannon Armstrong, **Happyfamily**, Hello!Lucky, Hemp Ace International LLC, **Hewlett Packard Enterprise**, High Plains Architects, PC, **Hilton**, HJKessler Associates, Holiday Valley Resort, Horse & Dragon Brewing Company, House Kombucha, **HP Inc.**, ICCR (Interfaith Center on Corporate Responsibility), Ideal Energy Inc, IDEAS For Us, **IKA North America Services, LLC**, Impact Bioenergy, Inc., Impax Asset Management.

Independence Solar, Indow, Infer Energy, Innovative Power Systems, Inntopia, INTEGRAL GROUP, **Intel Corporation**, IntelliparkUS, Inc., Interdependent Web LLC, **Interface**, Intersection, Intex Solutions, Inc., ISOS Group, iSpring, Itty Bitty Inn, Jackson Hole EcoTour Adventures, Jackson Hole Mountain Resort, Jacoby Architects, Jantz Management LLC, JF Pontzer, LLC, JGE Global LLC, Jiminy Peak Mountain Resort, LLC, JJ McNeil Commercial, JLens Investor Network, **JLL**, JMJ Construction Group, **Johnson & Johnson**, Jonathan Rose Companies, Joule Energy, JSA Financial Group, JTN Energy, **Jupiter Aluminum**, Just Business, Justice Commission of the Sisters of the Presentation of the Blessed Virgin Mary, Aberdeen, SD, **K2 Sports**, Kayak Media, **Kellogg Company**, KERBspace, Kirksey Architecture, KL Felicitas Foundation, Kleynimals, Kostis Kosmos Inc., Krull & Company, Kuity Corp., **L'Oreal USA**, Law Office of Nancy D. Israel, Lazarus Financial Planning, LLC, Le Pain Quotidien, Leadership Team Sisters of St. Francis of Tiffin, OH, **Levi Strauss & Co.**, LifeWise Community, Liftopia, Inc., LightWave Solar, Linear City Concepts, LiveNeighborly, Livingston Energy Innovations, Locksley, Inc., Long Wind Farm, Lookout Pass Ski & Recreation Area, **Louis Berger U.S.**, Lutsen Mountains Corporation,

**Lyft, M.A. Mortenson Company, Mammoth Mountain and, June Mountain, ManpowerGroup, Mars Incorporated**, Maryknoll Sisters, Mazzetti + GBA.

Melina/Hyland design group, Mennonite Education Agency, Mercatus, Inc., Merck Family Fund, Mercury Press International, **Mercy Health**, Mercy Investment Services, Michael W. Grainey Consulting LLC, Midwest Capuchin Franciscans, Mightybytes, MILLC, Miller/Howard Investments, MindEase Billing, Minerva Consulting, Mission Cheese, Mobile Data Labs, **Mondelez International, Monsanto Company**, Montanus Energy, Moore Capital Management, MooreBetterFood, Mount Bohemia, Mountain Gear, Inc., Mountain High Resort, Mountain Rider's Alliance, LLC, Mountain Rose Herbs, mphpm design, Mt. Hood Meadows, Mulago Foundation, MyFlightbook, National Foundry, **National Ski Areas Association**, Natural Habitat Adventures Natural Investments, Neighborhood Sun, Neil Kelly, Nettleton Strategies, **New Belgium Brewing**, New Horizon Financial Strategies, New York City Comptroller's Office, New York State Common Retirement Fund, **NIKE**, North Highland Worldwide Consulting, North Ridge Investment Management, North Sound Energy Remodel, LLC, NorthFork Financial, LLC, NorthStar Asset Management, Inc., Northwest Coalition for Responsible Investment, Nurx, Oasis Montana Inc., Octagon Builders, Office of the General Treasurer of Rhode Island, OgreOgress productions.

OhmConnect, OLAVIE, Old Bust Head Brewing Company, Omnidian, Inc., On Belay Business Advisors Inc, Oregon State Treasurer, **Organically Grown Company**, Orion Renewable Energy Group, Our Earth Music, Inc., **Outdoor Industry Association**, Outdoor Project, Outerknown, Owens Business & Cnsltg., Llc., **Pacific Gas and Electric Company**, Page, Parnassus Investments, **Patagonia**, Pax World Funds, Payette, PeopleSense Consulting, Pepper Sisters, Inc., **Perkins+Will**, Pitchfork Communications, Planet Cents, PlanGreen, PLC Repair, Portfolio Advisory Board, Adrian Dominican Sisters, Portland Consulting Group, Presbyterian Church U.S.A., Priests of the Sacred Heart, Prisere, Projector.is, Inc., Proterra, Inc., Pure Strategies, Inc., Quest, Quri, RADAR, Inc., Re-Nuble, Inc., **Recreational Equipment, Inc.**, Region VI Coalition for Responsible Investment and Sisters of the Humilityof Mary, ReGreen Inc., RenewWest, Reynnders, McVeigh Capital Management, LLC, Reynolds Foundation, Rivermoor Energy, RL Investments, Rockford Brewing Company, Room & Board INC, Roots Realty, **Royal DSM**, RPM Bank, Ruffwear, Rune's Furniture and Carpet, Rutherford + Chekene, s2 Sustainability Consultants.

**Salesforce.com**, Sarah Mae Brown Consulting LLC, Saris Cycling Group, Sasaki Associates, **Saunders Hotel Group**, Savenia, **Schneider Electric**, School Sisters of Notre Dame Cooperative Investment Fund, Seoville Public Relations, SEA Builders LLC, **Sealed Air Corporation**, **Seattle City Light**, Seftel Living, Seismic Brewing Company, SEIU Staff Fund, Servants of Mary, **Seventh Generation**, Seventh Generation CRI, SharePower Responsible Investing, Inc., SheerWind, Sheng Ai International, LLC, Shift Advantage, Sidel Systems USA Inc., Sierra Club Foundation, Sierra Energy, **Sierra Nevada Brewing Co.**, Sierra Real Estate, Sigma Capital, Silicon Ranch Corporation, Sisters of Bon Secours USA, Sisters of Charity of Leavenworth, Sisters of Charity of New York, Sisters of Charity, BVM, Sisters of Saint Francis, Rochester, Minnesota, Sisters of Saint Joseph of Chestnut Hill, Philadelphia, PA, Sisters of St. Dominic of Caldwell, Sisters of St. Dominic, Racine,

Wisconsin, Sisters of St. Francis of Philadelphia, Sisters of St. Joseph, Sisters of St. Joseph of Boston, Sisters of the Humility of Mary, Sisters of the Precious Blood, Sisters of the Presentation of the BVM, Sisters of the Sacred Heart of Mary WAP, Skibutlers, Smarter Shift Inc., SMMA, Snake River Brewing Co., SNOCRU LLC, Snow King Mountain Resort.

Snowbird Resort, Sol Coast Consulting & Design, LLC, SolAire Homebuilders, Solar Concierge, Solar Design Associates, **SolarCity**, Solberg MFG, Solitude Mountain Resort, Sonen Capital, South Salem Cycleworks, SouthStar Capital LLC, SPEEDILICIOUS LLC, Spruce Finance, **Squaw Valley/Alpine Meadows Ski Resort, LLC**, **Staples, Inc.**, **Starbucks Coffee**, Startworks Ventures, LLC, Starvation Alley Farms, State of Maryland Treasurer's Office, Stevens Pass Mountain Resort, Stitch, STROKE Certified, StoneWork Capital, **Stonyfield**, Strategic Carbon LLC, Strategic Imperatives Inc., Strong Brewing Co., StudentVox, Stumptown Coffee Roasters, Sugarbush, Sundance Mountain Resort, SunEx Solar, **Sungevity**, Sunsprout Farms, SustainAbility, Sustainability and Impact Investing Group, Rockefeller Asset Management, Sustainability Roundtable Inc., Sustainability Solutions LLC, Sustainable Action Consulting PBC, Sustainable Business Consulting, Sustainable Capital, Sustainable Food Trade Association, Sustainable Health Solutions, Inc.

Sustainable Insight Capital Management, Sustainable Island Products, Sustainable Manufacturing Consulting, Sustainable North Bay, SustainableBusiness.com, Sustrana, SVT Group, Swift Foundation, **Symantec Corporation**, Synapse International, T2 Energy, Taos Ski Valley, Inc., Teak Media + Communication, Tech Networks of Boston, Terra Alpha Investments LLC, Terrapin Bright Green, TerraShares, **Tesla**, **Tetra Pak**, Tevlin Strategic Communication, The Alchemist Brewery, The Brainerd Foundation, The George Gund Foundation, The Green Engineer, Inc., The Green Suits, LLC, **The Hartford**, The Hivery, The Lion Company, Inc., The McKnight Foundation, **The North Face**, The Pension Boards—United Church of Christ, Inc., The Pretenders, The Refill Shoppe, Inc., The Ruskin Group, The Spotted Door, The Stella Group, Ltd. The Sustainability Group at Loring, Wolcott & Coolidge, The Tofurky Company, Thinkshift Communications, Third Partners, **Thornton Tomasetti**, Three Corners Capital, Thriving Solar, Throwback Brewery, **Tiffany & Co.**, **Timberland**, Toad&Co, TransPower, TransUNmission, Inc, Trap Door Brewing, TreeZero, Tri-State Coalition for Responsible Investment, Trilium Asset Management LLC, **Trinity Health**, Triple Ethos, TripZero, Triskele Collaborative, Truck Trike, Tsoi/Kobus & Associates, UltraCell Insulation, **Unilever**, Unitarian Universalist Association, Unitarian Universalist Service Committee (UUSC), United Church Funds, **United Natural Foods Inc.**

Urban Fabrick, Inc., **US Green Building Council**, **Vail Resorts**, **Vans**, Velasquez Family Coffee, Verde Brand Communications, Veris Wealth Partners, **Veritas Technologies**, Vermont Energy Investment Corporation, **VF Corporation**, Vibes, Vigilant, Violich Farms, **Virgin, Virginia Mason Health System**, Vision Realty & Management, VISIONS Service Adventures, Visual Stream Productions, Inc., **VMware, Vulcan Inc.**, Walden Asset Management, Walden International, Wall Law, LLC, Watermen Investments, webShine, LLC, Welch Village Ski Area, Inc, Wespah Benefits and Investments, Wetherby Asset Management, Whitney Inc., Wild Joe's Coffee Spot, Win Before Trial, Windham

Mountain Resort, Winkler Development Corporation, Wisp Resort, Woodsong Property Renovation Partners, LLC, **Workday**, WorkTurbo, **Worthen Industries**, WR Consulting, Inc., Wynkoop Properties, LLC, **Xylem Inc.**, Yodsampa Consulting, Zaurie Zimmerman Associates, Inc., Zero Waste Solutions, Zevin Asset Management, ZipPower.

Note: Signatories in bold > \$100 million annual revenues.

Mr. WHITEHOUSE. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. GARDNER. Mr. President, I come to the floor today to discuss the continued broken promises of ObamaCare—the Affordable Care Act—that passed in the most partisan of fashions several years ago, and to discuss the process by which we are putting together a repeal-and-replace package and the pieces we will be voting on tonight and over the next several weeks and months.

ObamaCare's failures are simple. The promises that have been broken are clear. While partisan supporters of the administration's plan continue to promote the success of this poorly conceived law, Coloradans know far better.

Time and again, hundreds of thousands of Coloradans have felt the consequences of the Affordable Care Act in their pocketbooks, in their workplaces, in their doctor's offices, and in the choices they have for health care. The past 6 years have been marred by higher costs, fewer choices, and less competition in Colorado and across the Nation.

It is now time that we stand up for the American people to restore reliable and stable health care, as well as health care markets and insurance markets, and to undo the damage done to our health care by the failed law known as ObamaCare.

Let's just review the broken promises we have seen—not just a broken promise that the President himself made to the American people but broken promises echoed by the partisan supporters of ObamaCare. President Obama assured the American people over 35 times: Don't worry about ObamaCare because if you like your plan, then you can keep it, period. It is on video. It is on YouTube, and you can probably find it on Snapchat. It is available to find, this first broken promise.

As Coloradans began to receive cancellation notices, they quickly learned that this promise was far from the truth. In late 2013, nearly 335,000 small group and individual policies in Colorado were canceled due to requirements in the Affordable Care Act. These cancellations also included my family's cancellation, because we had chosen to stay in the private market in Colorado. But in August of 2013, we received the letter that 335,000 others received in Colorado saying that our policy had been canceled thanks to ObamaCare.

But, unfortunately, those cancellations—those 330,000-plus cancellations in August of 2013—were just the beginning, because in January of 2014, the

Colorado Division of Insurance canceled an additional nearly 250,000 plans for the same reason.

Again in 2015, Coloradans were made abruptly aware of the failures of ObamaCare when another 190,000 more plans on the individual and small group market were canceled. In total, according to the Congressional Research Service, over 750,000 health insurance plans were canceled in Colorado between 2013 and 2015.

The promise that if you like your health care plan, you can keep it was so bad—that promise was so broken—that the fact-checking organization PolitiFact named it the “Lie of the Year” for 2013. PolitiFact didn't really need to name it the “Lie of the Year,” because over 750,000 people in Colorado got a letter in the mail telling them it was a lie.

Broken promise No. 2 from ObamaCare: Americans were told that the Affordable Care Act would reduce costs for families, businesses, and our government. In fact, President Obama said that under his new health care law, a typical family would save up to \$2,500 a year on premiums by the end of his first term. Look it up on video, on YouTube. However, hit with the rising costs, Coloradans became acutely aware this too was yet another broken promise. Statewide, premiums in Colorado will rise by 20.4 percent on average for plan year 2017 on the individual market. That number is even higher in some of the more rural areas, like the Western Slope of Colorado. Where is the Western Slope? That is what most people think of when they think of Colorado, an area with mountains, forests, and great beauty. That area has been harder hit than many areas across the country with higher premium increases.

A year prior to this next plan year, in 2016, the Colorado Division of Insurance found that premiums on the individual market rose a whopping 25 percent on the Western Slope, plus the higher than 20 percent premium increases.

One woman living in Colorado on the Western Slope saw her premium rise from just a little over \$300 a month to \$1,828 per month, or nearly \$22,000 a year. Here is her quote:

It's actually like another mortgage payment. I have friends who are uninsured right now because they can't afford it. Insurance is hard up here.

That is the Western Slope of Colorado, where people have seen mortgage-payment-size health insurance bills being added to them because of a bill that the President promised would lower their health care costs.

An increase of nearly 26 percent is devastating for most families, but in 2014 an Americans for Prosperity study showed that nearly 150,000 Coloradans saw their health insurance become 77 percent more expensive. These sharp increases in prices and coverage have left Coloradans reeling, and we have a duty—a duty—to make sure we provide

them with the financial relief they deserve and the health care we know we can put together.

Broken promise No. 3 of the Affordable Care Act was the menu of options that was promised—the choices that the Affordable Care Act would bring to the marketplace. President Obama promised Americans that a greater choice and a menu of options to choose from would be right around the corner as a result of the Affordable Care Act, but Coloradans again found out that wasn't true. Of the 64 counties in Colorado, 14 counties have only one carrier to choose from and 29 counties have only two plans for the year 2017 on the individual market. We can see the plans right here. That is the western part of Colorado that I was talking about seeing such high premiums—77 percent and a higher percentage next year. Here, we can see counties with only two carriers to choose from, and 14 counties only have one to choose from.

So the President's signature health care law failed in this respect to create the menu of options, but it did succeed in creating monopolies.

President Obama also insisted that competition would increase through consumer-run coops. The Federal Government spent a great deal of money to prop up the consumer coops and to make sure they had the marketing in place. Over 80,000 Coloradans felt the impacts of this broken promise when the Colorado health coop was declared to be insolvent by Colorado insurance commissioner Marguerite Salazar. Eighty thousand people had their insurance coops declared insolvent because of the poor Affordable Care Act law.

Not only did the failure of this promise leave 80,000 people scrambling to find coverage, but it forced the coop to default on its Federal startup loan, valued at an estimated \$72 million. So 80,000 people were out of coverage because of the failure of the Affordable Care Act, and \$72 million went out of the American taxpayers' pockets because of the Affordable Care Act—money the American taxpayers will never see again. What is more, it cost taxpayers nearly \$40 million to shut the coop down. Of the 23 original coops, only 6 are remaining and 17 consumer-run coops as a result have failed. The 23 startup insurers received a total of roughly \$2.5 billion in loans under the Affordable Care Act, and only 6 remain. That means that even more money the American people gave to this government to be good stewards of—through their hard-earned tax dollars, through their premium taxes—will never be seen again. This is an unacceptable and egregious use of taxpayer dollars.

But the careless spending under ObamaCare doesn't just stop there. An audit was released 2 weeks ago by the U.S. Department of Health and Human Services, Office of Inspector General, and it found that Connect for Health Colorado, Colorado's State exchange,

misspent and mishandled nearly \$9.7 million in grants to establish its marketplace. The audit concluded by recommending that the marketplace be required to repay the \$9.7 million identified by the Federal Government. The audit found that Connect for Health Colorado did not adequately document \$4.4 million, improperly transferred costs totaling nearly \$300,000, and made \$164,000 in overpayments to subgrantees without identifying a reason.

Furthermore, Connect for Health Colorado spent more than \$211,000 on bonuses to executives without providing performance evaluations. The kicker on the \$211,000 in bonuses—the largest of which was \$18,500 for the CEO—back in 2013, when the exchange was trying to get started, was that the then-CEO of Connect for Health Colorado wanted a raise even though the exchange had enrolled far fewer than half the people it was supposed to. So we have an executive asking for a raise in an exchange that hadn't even met the lowest of the low predictions for what it would do. Here we are, with a new audit from the Office of Inspector General saying that \$9.7 million was fraudulently spent. To quote a member of the board at the time:

Given the poor performance for the first two months of enrollments, I think it's incredibly audacious for the executive director to request a salary increase.

I think most people would feel like if you're a CEO and you are significantly underperforming the goals you helped set, then you lay off on that the money comes from public funds, I think it is highly inappropriate.

I have heard colleagues in the House and the Senate talk about how CEOs are overpaid for the work they do. If the stock prices are low or dividends aren't there, then they shouldn't be as highly compensated as they are. But here we are, a government-funded program from the Colorado health exchange and others around the country using Federal dollars to give bonuses to people who haven't even met the basic projections they were supposed to. It is an unacceptable use of funds.

But the problem is that it is not just funds wasted somewhere else. It is funds wasted that came from the American people's pockets—hard-earned dollars that are being misspent. The Affordable Care Act has had a negative impact on business owners and individuals. Let's talk about some of the effects on businesses. I will share a letter given to me, from a small business owner to his customers, letting them know how the Affordable Care Act impacted his prices.

Dear Valued Customer,

There is never a good time to announce a price increase but we have to. Effective February 1, 2017 we will have a 2% across the board increase for a reason beyond our control.

We've had many challenges over the years but none like this. 100% of this price increase is due to one thing only, the Affordable Care Act.

The Affordable Care Act has caused our health insurance premiums to skyrocket by

42% and our choices of insurance providers to dwindle down to one.

Some of you may be faced with a similar challenge. It seems to be a problem all over the U.S.

So now we have the double whammy on the American consumer. Not only are they required by law to buy insurance they can't afford, but they then go buy consumer goods whose prices have increased as a result of the Affordable Care Act. So they are squeezed at home because they have to pay higher insurance premiums—thanks to the broken promises of ObamaCare, thanks to the lack of choice they have with ObamaCare. Now they have to pay higher prices at the grocery store or the implement dealership—wherever it is—because they have had to increase their prices—the people who make those goods, the people who manufacture those goods, the foundries, the equipment dealers. They have to pay for their insurance premiums that they are required, under a broken law, to search and find.

But it is important that we talk more than just about the business impact of the Affordable Care Act, because, day after day, I hear stories from Coloradans who have felt the brunt of ObamaCare's failures. Whether it is letters or emails to the office or whether it is town meetings across Colorado, I hear stories, and I wish to take this opportunity to share some of these from my constituents that demonstrate the impacts of ObamaCare.

A letter I received from an individual residing in Aurora, CO, said:

Cory—As a business owner who pays for my own insurance, ObamaCare is not working. Last year, my premium went up 20% for less insurance with a higher deductible and less coverage.

This year we just got a cancellation notice that our insurance plan will no longer be offered and we must start looking for a new plan yet again.

I read that more and more insurance companies are pulling out of the Colorado marketplace.

The system is broken, it has only cost us more and more money for lower quality health care.

Please—do everything you can to stop this failed program.

That is from a Coloradan who has struggled under the burdens and broken promises of ObamaCare.

Let's talk about a letter we received from a family living in Lafayette, CO.

I have a "Bronze" HSA plan covering myself, my wife and my two daughters.

I just received my renewal notice from [the] insurer informing me that my premium for 2017 will increase by 38.9%.

To put that in perspective our family went from \$1,200 per month or \$14,400 per year to \$1,667 or \$20,000 per year.

While the premium is increasing, the benefits are reduced as annual deductibles for individual and family plans are increasing to \$5,000 and \$10,000 respectively. This is unconscionable!

The cost of my health insurance coverage has more than doubled in the last three years and benefits have reduced with each successive premium increase.

The ACA needs to be repealed immediately!

That is a letter from a family of four who saw a dramatic increase in price, both from the amount they pay every month to nearly \$20,000 a year, to a deductible that has gone from \$5,000 to \$10,000.

Here is another story from a young woman residing in Colorado Springs, CO:

This is the third time since 2010 that I will be losing my health insurance plan because of ObamaCare.

This is the third time. Do remember the promise that if you like your plan, you can keep your plan?

This woman from Colorado Springs already has had her plan canceled three times.

Now I am losing the option of being in the plan I want to be in.

There is the second promise—that if you like your plan, you can keep your plan; you get the choice of keeping your doctor—broken promises.

I must settle for being in an HMO, and still pay 400% what I was paying for premiums in 2010.

I also just learned that my carrier is raising rates by 25% next year on the individual market.

My premiums are already four times higher than they were before the Affordable Care Act. My deductible and out of pocket amounts are also much higher.

ObamaCare is nothing but a heavy tax for us. Our income doesn't qualify us for an ObamaCare credit.

Since our premiums have quadrupled I figure we are now paying for the insurance for three or four other families when we pay for our premiums.

I am very disappointed in Congress for letting this go on and on and on.

Year after year now my premiums skyrocket and I have fewer choices in plans. Pretty soon there will be no incentive left to work hard and earn money in this country.

The government will take it from you and give it to people [to spend irresponsibly in Washington, DC].

To this young woman in Colorado Springs, we are doing something—finally. Last year, we put on the President's desk a repeal of ObamaCare, and of course it was vetoed. But this week, we will be able to start the process to repeal and replace ObamaCare, signed into law by a President who will indeed sign it.

Another story I would share from a family in Fort Lupton, CO:

It is impossible to afford health care for us.

We are right above the Medicaid limit by \$400, and my husband has gone without health care for 2 years. They keep taxing him.

Soon we will be a family of 4 with no health insurance. We will be paying so much to afford health insurance we will struggle to buy food. We need help and we don't know where to find it.

These stories demonstrate what Americans are experiencing as a result of ObamaCare and its broken promises. No family should have to decide between purchasing health coverage and putting food on the table. We owe it to these struggling families—stories we just heard, about anyone who is sick or might get sick—to roll up our sleeves

and provide real solutions and to recognize that the Affordable Care Act was a failure, it caused calamity, and it continues to destroy and crush our health care market.

ObamaCare was a poorly designed law that was rushed through Congress on the most partisan of votes. Its nearly 20,000 pages of regulations have had a devastating impact on many hard-working Americans. That is why I will continue to work hard to find solutions that will relieve the financial burden this law has imposed on Coloradans and Americans throughout the country.

We need a health care system that promotes competition, increases flexibility, encourages innovation, and puts Americans back in control of their health care—one that gets “Dr. Congress” out of the picture, one that safeguards the doctor-patient relationship, preserves Medicare for our seniors, and one that protects the most vulnerable among us.

I will continue to fight for all of those in Colorado and across the country who are looking for real health care reform, and I look forward to working with my colleagues in Congress to do so.

We have a chance this week to act, and I look forward to replacing ObamaCare with something that actually fixes and makes this system work again.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. COTTON). The majority whip.

Mr. CORNYN. Mr. President, soon the Senate will vote to repeal ObamaCare. This is for at least two reasons. One is that ObamaCare has been an abysmal failure when you look at the promises that were made to sell it and actually what has been delivered in terms of higher premiums, higher deductibles, and more challenges for ordinary Americans. Many Americans now find that their deductible is so high that they are effectively self-insured.

I remember like it was yesterday—actually, it was some 6 years ago—that President Obama said: If you like what you have, you can keep it, in terms of your health coverage. He said: If you like your doctor, you can keep your doctor. He said: The average family of four would see their premiums go down by \$2,500.

None of that has proven to be true. ObamaCare was sold under false claims, false promises. We know that many headlines today demonstrate that premiums are higher than people can afford. They can't keep the insurance plan they had and they liked, and they have to go find another doctor, sometimes as often as each year because the insurance coverage they have is no longer being written because insurance companies simply can't survive in this marketplace. In many instances, they end up having to leave rural parts of the country, particularly rural parts of places like rural Texas.

A lot of this has to do with redtape. A lot of this has to do with the companies that have been forced to pass along higher costs to consumers or leave, and that is exactly the sort of thing that happens when the government intervenes in the marketplace, unintended consequences occur.

I mentioned increased rural access to health care. That was actually supposed to be one of the selling points of ObamaCare, and now it is just another example of how this law has truly failed. Even so, even having acknowledged some of the failures of ObamaCare themselves, our Senate Democratic colleagues are refusing to acknowledge the catastrophe they created because this law was passed on a purely partisan basis, without any votes on the other side of the aisle, and signed by President Obama into law without any participation by Republicans. Now, having created this mess—creating this crisis really—they made clear they want no part of fixing the problem. Apparently, they would rather ignore the harmful effects brought about by ObamaCare and try to then assign blame to those who are trying to rescue the American people from the failure known as ObamaCare.

We are confident the American people know the truth. They know President Obama made promise after promise to get ObamaCare passed. They know the reality is a lot different, and it is a lot dimmer than the picture he painted. In my mind, such widespread public deception amounts to nothing more and nothing less than a simple case or, actually, I should say a colossal case of consumer fraud.

In my former job as attorney general of the State of Texas, we had a consumer protection bureau that went after scam artists and others who deceived the American consumer, Texas consumer, and promised them one thing and delivered another. That is nothing more or nothing less than what happened here where President Obama promised the American people the Moon when it came to health care, and they found out that those promises were hollow indeed.

That is why the American people want ObamaCare to become a thing of the past. One recent poll showed that about 8 out of every 10 Americans wanted to change the law in significant ways or see it replaced altogether. The truth is, ObamaCare is a terrible law that continues to hurt many American families trying to get by.

Americans all around the country are asking for help, asking for relief from this terrible law, and demanding a better health care system that actually delivers results, not just empty promises. We can't get to that replacement until we actually repeal ObamaCare, which will start with the budget resolution we will pass this evening or late tonight.

This is not a rushed or hurried response; it is merely the first step in a deliberative process that Republicans

in both Chambers of Congress have been working on for years. The only difference is now we will soon have a President in office who understands that people are hurting, asking for change, and are in need of promises that are actually delivered.

It is not too late for our Democratic colleagues to work with us to get this job done and move forward with a solid plan that helps all Americans. I understand the temptation, after creating this legislation, this health care debacle known as ObamaCare, to now say it is your baby, you deal with it and then try to assign blame if things don't work out exactly the way we hope. The fact is, we always do better here, and the American people are always better served when we try to work together in a bipartisan way, on a step-by-step basis, to deliver on the promises we made.

This budget resolution that we will be voting on tonight is not about Medicare. It is not about cutting health care for millions of people. Rather, the opposite is true. We are actually going to try to save the American consumer from falling through the cracks or finding out that the promises that have been made to them are simply not true or that they are burdened with health care policies that they simply can't afford.

What we are about is getting rid of a failed policy that now 6 years in is still making life harder for millions of Americans. I am eager to make sure we keep our promise. That is the second part of this. We promised the American people that if they gave us an opportunity by electing a new President, by retaining the majorities in the House and the Senate, as they have, that we would deliver by repealing and replacing ObamaCare. That starts with tonight's vote.

#### NOMINATION OF REX TILLERSON

Mr. President, this morning I had the honor of introducing Mr. Rex Tillerson, President-Elect Trump's nominee to be Secretary of State, at his confirmation hearing before the Foreign Relations Committee. I was joined by my colleague Senator CRUZ from Texas, former Senator Sam Nunn, and former Secretary of Defense Mr. Gates. All of us said that Mr. Tillerson is an inspired and outstanding appointment by President-Elect Trump.

I have come to learn that Mr. Tillerson is a person whom I both respect and admire the longer I have gotten to know him. He has proven over his decades-long career in the top echelons of a large global company that he has what it takes to represent the United States on the world stage. True, to this point, his responsibility has been toward shareholders of the company he has represented, but I have every confidence he can transfer that same sort of diligence, that same sort of acumen, and those relationships, from which a large multinational corporation has benefited, now to the American people, and the United

States of America can resume its place on the world stage with him as our top diplomat.

I said before that one of my biggest frustrations with the current administration is it regularly ignores our allies while intentionally propping up or strengthening our adversaries. I have every confidence that Mr. Tillerson will flip that narrative, and he will help the United States regain our leadership role in the world by unapologetically supporting our allies and friends while keeping our enemies in check. He is the right man to lead the State Department, and I hope we confirm him soon.

#### NOMINATION OF JEFF SESSIONS

Mr. President, let me add, today we are engaged in the second day of hearings before the Senate Judiciary Committee regarding the nomination of Senator JEFF SESSIONS, our colleague of longstanding, to be U.S. Attorney General.

Some people who haven't had the benefit of working with Senator SESSIONS know him by his record. Frankly, given some of the testimony, I don't recognize the person who is being described by those who, for various reasons, are opposing his nomination. We know that he has an outstanding record of service, both to the people of Alabama, to the United States as U.S. attorney, and then in the U.S. Senate for the last 20 years.

It is ironic that we are having a hearing before the Senate Judiciary Committee on the qualifications of Senator SESSIONS to serve as Attorney General, a committee on which he has served for 20 years. Our colleagues across the aisle don't need to have a hearing to know JEFF SESSIONS because they already know him well. They know him to be a man of honor, a man of principle, a man who is true to his word, and who believes, above all, that the role of the Attorney General is to enforce the law of the land—something we have not seen in the last 8 years during the Obama administration, where the Justice Department has become a political arm of the White House.

I have every confidence that Senator SESSIONS, as the next Attorney General of the United States, will restore the reputation of the Department of Justice and the Office of Attorney General to one that respects the rule of law and dispenses equal justice under the law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, over the past few days, we have been listening to the health care horror stories from across the country, such as families earning an annual income of \$50,000 who opted for high-deductible coverage and are facing up to \$6,000 or, in one case, \$10,000 of out-of-pocket costs before their coverage even begins. That is not affordable insurance.

Nearly 7 years after the enactment of ObamaCare and 3 years into implemen-

tation, one thing is crystal clear: ObamaCare has failed, but Republicans are working to fix the damage. Over the past several years, it is clear that this law is simply unworkable for millions of hard-working Americans. Insurance markets are collapsing, premiums are soaring, and health care choices are disappearing, but the answer isn't to ignore the problem. With ObamaCare getting worse by the day, it is time for us to act. The repeal resolution we are debating this week promises relief from ObamaCare and provides the tools necessary to immediately repeal this failed law while ensuring a stable transition period to a patient-centered health care system that gives Americans access to quality, affordable care. The resolution includes instructions to authorizing committees so that repeal legislation can move through a fast track process and can pass with a simple majority in the House and Senate. These instructions to committees are provided to allow immediate action on repeal with the intent of sending legislation to the new President's desk as soon as possible.

Headlines from across the Nation highlight the urgent call to action. The New York Times says: "Obamacare Premiums Set to Rise Even for Savvy Shoppers." The Wall Street Journal says: "Insurers Move to Limit Options in Health-Care Exchange Plans." The Baltimore Sun says: "Marylanders face hefty rate increases for ObamaCare." The Omaha World Herald says: "Health insurance rate increases may have some Nebraskans in sticker shock." The Miami Herald says: "Florida's ObamaCare premiums to rise average 19 percent in 2017, the State says." And the Bergen County Record says: "New Jersey left with just two ObamaCare health providers for 2017."

My own State of Wyoming is down to one insurer in the individual market, both on and off the exchange. That is a national scandal. We have heard from people who talked about counties where there are no insurers. We have heard people talk about the costs they have both for the premiums and the deductibles. And just talking about the premiums, in New Mexico they had some counties where the average cost of a house payment is less than the monthly cost of their health care—much less, about 50 percent less in one instance.

It is also important to look at the facts surrounding ObamaCare. Some on the other side of the aisle like to focus on how many people are insured under the law, but let's look at how many are not insured. Almost 28 million Americans remain without insurance under ObamaCare. Even with insurance, many still can't afford the care due to surging deductibles. If you can't afford the deductible, you really don't have insurance. If you can't afford the insurance, you don't have insurance. And it isn't the insurance that is important; it is the availability of providers that can take care of you. Most of the newly

insured gained coverage only through a flawed Medicaid program that is providing inferior quality and threatening to bankrupt States across the Nation.

According to research from the architect of ObamaCare, Jonathan Gruber—he explicitly said that most of the newly enrolled beneficiaries were actually eligible for Medicaid before ObamaCare. In fact, his research showed that two-thirds of new people signing up for Medicaid were brought into the program, not through ObamaCare but by increased Medicaid advertising.

As America soon discovered, the President and congressional Democrats focused exclusively on coverage and mandates that were handed down from Washington instead of patient-centered reforms. Coverage was the silver bullet for them because coverage equaled health care. They forgot a key detail though: The cost of the plans that were mandated made it nearly impossible for many to pay for the insurance or, if they had coverage, to pay for care with the sky-high deductibles. I know that some people on my staff had health savings accounts that gave them catastrophic coverage. They didn't have to worry about going bankrupt over health care. Their deductibles were lower than the ones that we have with this health care.

Focusing on and highlighting the number of people now enrolled in ObamaCare doesn't translate into anything more than phantom insurance, which, for users plagued by inadequate coverage, is coupled with huge out-of-pocket costs. We are seeing families now having to forgo medical care, not because they don't have insurance but because it is simply too expensive to go to the doctor with their ObamaCare health plan.

Normally I would say that you get what you pay for. But with ObamaCare, you seem to just pay without getting much at all. It is kind of like buying a bus ticket, but when you show up for the trip, they tell you that to get a seat, you are going to have to spend a little bit more, and then you have to chip in for the gas.

For years, Republicans have pledged to repeal this disastrous law. Passing this resolution is just the first step in keeping that promise, clearing the way for consideration of repeal legislation that will be signed into law by the new President. While providing immediate relief from ObamaCare, Republicans will ensure it is a stable transition in which those with insurance will not lose access to health care coverage. This will allow the Nation to move to a patient-centered health care system that gives hard-working Americans access to quality, affordable care. The goal is a more modern health care system where there is innovation to improve the health of all Americans, where insurers are offered new and affordable options, and where families have a more direct say over their own health care decisions.

Unwinding partisan gridlock to make these changes will not be easy. As I noted in my earlier remarks, our Nation has made great strides in improving the quality of life for all Americans, but these transforming changes are always forged in the spirit of bipartisan compromise and cooperation. We still need health care reform, but it has to be done the right way. Passing this resolution will start building a bridge from ObamaCare's broken promises to better care for each and every American.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, I come to the floor with a lot of other folks to talk about the health care in this country. I think one of the goals we all share—and maybe we are not sure how to get there—is how to make sure that everybody who needs access to health care has it, that it is affordable, and that they get reasonably good quality, whoever they are and wherever they come from.

When I was a naval flight officer, we used to fly a lot of missions out of Japan during the Cold War. I have a special interest in Japan, and I like the folks there. They are pretty remarkable in what they have achieved over the years. One of the things they have achieved over the years is providing pretty good health care for a fairly modest amount of money.

We started working on the Affordable Care Act 7 or 8 years ago. One of the things I learned about Japan was that they were spending 8 percent of their gross domestic product for health care in their country. We were spending 18 percent. As it turns out, they were getting better results. They had lower rates of infant mortality and higher rates of longevity. People lived longer. Newborns died less frequently than we did. On top of all that, in Japan they covered everybody. Everybody was covered for health care. We had about 40 million people—over 40 million people at the time—whose health care coverage was to get into an emergency room of a hospital, try to get in line, and get someone's attention.

I know how smart the Japanese are, but I don't think they can be that smart and we can be that dumb. That is sort of where we were 6, 7 years ago. So we said: What are we going to do about it?

I think almost every President—maybe since Truman—had a goal of making sure everybody in this country had access to health care. A lot of folks talked about it and maybe tried to do something. The first time we had a serious effort to do that was during the

Clinton administration, not led by President Bill Clinton but led by First Lady Hillary Clinton. What she came up with and worked on was something called HillaryCare.

The Republicans came up with an alternative to HillaryCare introduced by the Republican Senator from Rhode Island, John Chafee—a really good guy, a very able guy. I actually served with his son Lincoln in the Senate. But in 1993, 1994, when most people focused on HillaryCare, John Chafee introduced legislation with 20 or so Republican cosponsors. A couple of them are still here, I think. Senator ORRIN HATCH was one of them, and Senator CHUCK GRASSLEY of Iowa was one of them—maybe a couple of Democrats, as well. But 20 to 25 Senators, mostly Republican, cosponsored the Chafee legislation.

This chart mentions the Chafee bill and what was included in the Chafee legislation. One of the things included was the individual mandate—basically, that everybody had to get coverage.

Second was the employer mandate, which basically said that employers had to provide health care coverage for their employees—maybe not for everyone, maybe not for the smallest businesses—but getting employers to meet what Senator Chafee and other Senators thought were the employers' obligations, their responsibilities.

In the Chafee legislation there was a ban on preexisting conditions.

In the Chafee legislation there were subsidies for purchasing insurance. Purchasing it where? Purchasing it in State exchanges. The idea of creating large purchasing pools—there were folks who didn't have health care coverage who could get their health care coverage in a large purchasing pool. If their income was low or relatively low, they would be eligible for tax credits to buy down the cost of their health care coverage. They would get theirs from the exchanges and the purchasing pools.

Those were all ideas in Senator Chafee's legislation in 1993. Do you know what? I am a Democrat and probably shouldn't say this, but I thought they all made sense.

The legislation didn't go anywhere. In the end, HillaryCare didn't go anywhere. But long before we had serious debate on the Affordable Care Act, people were talking about the same thing.

You go over here—RomneyCare in 2006. Individual mandate: Got it. Employer mandate: Got it. Ban on preexisting conditions? Yes. Subsidies for purchasing insurance? Yes. Establish State purchasing groups? Yes. Those are all in RomneyCare.

I have always given Governor Romney credit for the idea of the individual mandate, but apparently that was wrong. It was in Senator Chafee's legislation as well. Governor Romney took the handoff, if you will, from Senator John Chafee and introduced what they call RomneyCare in Massachusetts. It was introduced in 2006.

When it first was introduced, they had real good success in getting people covered. It was successful in terms of getting people covered. Where they were not so successful initially was affordability. They had to work on affordability. Part of the problem there was it took a while for the healthier, younger people who did not think they needed health care coverage because they were young and invincible. It took a while for them to start.

They said: The fine keeps going up year after year after year. Maybe I should get some health care coverage and not pay the fine. Ultimately, I think RomneyCare did a much better job on affordability.

If you take those five key provisions, the individual mandate, employer mandate, ban on preexisting conditions, subsidies for purchasing insurance, and establishing the State exchanges—key provisions in the Chafee bill—they are in RomneyCare. Believe it or not, they are in the Affordable Care Act.

I know some of our Republican friends think that nobody listened to them when we wrote the Affordable Care Act. Actually, these are your ideas. These are your ideas. Some of the provisions or aspects of the Affordable Care Act that our friends across the aisle have been most critical of are things that were originally their idea—originally their idea.

Then we changed this thing. Senator SANDERS who has joined us on the floor. We added to that. We expanded Medicaid. We said to States—we didn't make them expand Medicaid, but we said: If you do, the Federal Government will pay the lion's share of the increased costs in Medicaid. I think initially maybe 24 States signed up and said: We will do that, including the District of Columbia. Later on, another seven or so, eight States—I think Indiana is one of those that decided, under then-Governor Pence, to expand Medicaid up to about roughly 135 percent of poverty from maybe closer to 100 percent of poverty for most States.

That is a little bit of a good history lesson. I think we have another chart we can look at. It is a pie chart. Sylvia Matthews Burwell came by—the Secretary of Health and Human Services came by a month or two ago and talked to our Democratic Senate caucus. One of the things she said to us that I thought was especially informative was she talked about this pie chart.

What she said is: Think of this pie chart. It includes about 300 million Americans who get health care, at least those who get some kind of health care other than emergency room. She told us that roughly half of the people, a little bit more than half of the 300 million people among the Americans who are getting health care—a little over half, 57 percent—get their coverage through employer coverage. The employers provide that as a condition of employment. Another roughly 22 percent—that is this area, sort of the brown area—is Medicaid and



the S-CHIP program, the Children's Health Insurance Program, a bipartisan idea. Bill Roth worked on that, the Clintons, and others. I even worked on it as Governor. About 15 percent—this area right here, the green—is Medicare. Then down here you have the individual markets, the marketplaces, and so forth.

There are roughly 5 or 6 percent down here where people are getting their coverage. A lot of the attention, a lot of the criticism of the delivery of health care in the last 6 or 7 years by our friends on the other side has been down here with the marketplaces, the exchanges. Those were their ideas.

One of the nice things the Affordable Care Act has done—not many people know this—but the Medicare trust fund, which is in danger of running out of money, the life of that trust fund has been extended by 12 years because of the Affordable Care Act. The Medicaid pieces have been—the Secretary of Health and Human Services, Sylvia Matthews Burwell, has negotiated with a number of Governors to try to give them the opportunity to sort of customize their Medicaid programs.

I think maybe in Indiana they wanted to have a small copay for the people who participated in Medicare. That is what they got. So it is not all one size fits all, but there is some differentiation between Medicaid. Now we have roughly two-thirds of the States that have signed up for Medicaid expansion.

So that is just a little visual. Do we have another chart here? The question is, Who gets hurt by repealing the Affordable Care Act? If we just repeal the Affordable Care Act, and we don't replace it at the same time we repeal it or change it, a lot of people will get hurt, including a lot of people who are in the exchanges and getting health care coverage maybe for the first time in a long time, and actually folks who are not in the exchanges, people who get their health care coverage in all kinds of ways, including employer provided, Medicare, and Medicaid, or privately purchased.

We don't need the kind of uncertainty, the lack of predictability that would be created by repeal without having a very clear picture of what we are going to replace it with at the same time—not a year from now, not 2 years, not 3 years, not 4 years from now but at the same time. That is what we ought to do.

I will close with this. I note one of my colleagues from a big State up to

the northeast of us has a few things he wants to say. I welcome hearing him.

My dad used to say to my sister and me when we were kids growing up, a little younger than our pages—we would do some bone-headed stunt, and he would say to my sister and me: Just use some common sense. That is what he would say. Just use some common sense. He said it a lot. We must not have had much.

Well, just repealing the Affordable Care Act and not having something to replace it with immediately that provides coverage just as good—affordable, comprehensive coverage—that would not be very good common sense. We can do better than that. We can do better.

I hope our Republican friends, with this rush to judgment to repeal and replace 2 or 3 or 4 years down the line, can come around and say: No, that does not make much sense. I hope they will listen to some of their colleagues and some of the rest of us who say: If we are going to repeal the Affordable Care Act, let's know what we are going to replace it with, and make sure we do that on day one.

With that, I am happy to yield the floor to my friend from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I thank my friend from Delaware for yielding. When we talk about the health care crisis in this country, it is not just health care, it is also the outrageously high cost of prescription drugs. I know in my State of Vermont, and in fact throughout this country, millions of people today are unable to afford the medicine they need.

In fact, almost one out of five Americans who go to the doctor and get a prescription are unable to afford to buy the medicine their doctors prescribe. Frankly, that is insane because what happens if you don't take the medicine your doctor prescribed, often you are going to get sicker. Sometimes you may die. Sometimes you may end up in the emergency room. Sometimes you may end up in the hospital. It is literally beyond comprehension that almost one out of five Americans today are unable to afford the medicine they need.

Meanwhile, while so many of our people cannot afford the medicine they need, the top five drug companies last year made \$50 billion in profit—\$50 billion in profit. The top 10 CEOs in the pharmaceutical industry earned over \$300 million.

So what we have is a scenario in which the American people pay the highest prices in the world for prescription drugs. Millions cannot afford the medicine they desperately need, but at the same time the drug companies make out like bandits, and their CEOs earn exorbitant compensation packages.

I happen to live 50 miles away from the Canadian border. A number of years ago, I took a busload of Vermonters across the Canadian border, not just to do some sightseeing in Montreal, which is a beautiful city, but to go there to purchase the same exact medicine that Vermonters, many of whom were dealing with breast cancer, were buying but yet buying it in Montreal, Canada, for a fraction of the price they were paying in the United States.

In fact, on that particular trip, many of the women who were dealing with breast cancer purchased the medicine they needed for one-tenth of the price they were paying in Vermont—one-tenth of the price. Let me take a moment today to review the costs of some of the exact same drugs sold in the United States compared to their costs in Canada.

Here in the United States, EpiPen, as we all know, costs more than \$600 a set. That price has skyrocketed in recent years. In Canada, the same exact set costs \$290, less than half of what we pay in the United States.

Crestor, a popular drug to treat high cholesterol levels, is \$730 here but \$160 across the border. We are not talking about generics. We are not talking about another drug. We are talking about the same exact same drug manufactured by the exact same company.

I may be mispronouncing it, but I think it is Abilify, a drug for depression, is more than \$2,600 for a 90-day supply here in the United States but only \$436 in Canada.

I can go on and on and on. By the way, let's be clear—

Mr. President, I ask unanimous consent to have printed in the RECORD a chart of drug prices around the world which will show that prices in the United States are not only almost always higher than in Canada but higher than in the UK, Spain, and the Netherlands as well.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### USA—THE HIGHEST DRUG PRICES IN THE WORLD

	CANADA	U.K.	SPAIN	NETHERLANDS	U.S.A.
ENBREL .....	\$1,646	\$1,117	\$1,386	\$1,509	\$3,000
CELEBREX .....	51	112	164	112	330
COPAXONE .....	1,400	862	1,191	1,190	3,900
CYMBALTA .....	110	46	71	52	240
GLEEVEC .....	1,141	2,697	3,348	3,321	8,500
HUMIRA .....	1,950	1,102	1,498	1,498	3,048
NEXIUM .....	30	42	58	23	305

Mr. SANDERS. Mr. President, perhaps people then will ask a simple

question: How does it happen? How does the same exact same medicine

sold in the United States sell in countries around the world for a fraction of

the price that we have to pay? The answer is severalfold. No. 1, we are the only major country on Earth, of course, that does not have a national health care system guaranteeing health care to all people. We are the only major country on Earth not to have that.

As part of that problem, we are the only major country not to negotiate drug prices with the pharmaceutical industry. You can walk into a drug store today, and the price could be double or three times what you paid a year ago. There is no law to stop them. They can and they will raise prices as high as the market will allow. If people die as a result of that, not a problem for them. If people get sick, not a problem for them.

Perhaps next to Wall Street, the pharmaceutical industry is the most powerful political force in this country. They have spent more than \$3 billion on lobbying since 1998, and they have 1,400 lobbyists on Capitol Hill. We have 100 Senators. There are 435 Members of the House. Yet the drug companies have 1,400 lobbyists on Capitol Hill. They have lobbyists all over the country in every State capital.

These are no small-time lobbyists. These are former leaders of the Democratic Party, leaders of the Republican Party, people who have enormous contacts. So the drug companies are able to raise prices to any level they want because we as a nation, uniquely among major nations, do not negotiate prices with them. The reason we do not negotiate prices with them is they got lobbyists and they make very hefty campaign contributions to make sure Congress, in fact, does not pass legislation which will lower drug prices in this country.

The pharmaceutical industry is an industry that is not only incredibly greedy, but they have a business model which is largely based on fraud. Like Wall Street, their business model is largely based on fraud. Almost every major drug company, not widely known—but almost every major drug company in this country—multi, multibillion-dollar corporations—have been fined for illegal activities and for cheating consumers in our country and all over the world.

Since 1991, with lax enforcement—it is not like we have a vigorous Attorney General's office that really goes after these guys. With relatively lax enforcement policies, drug companies over the years since 1991 have paid over \$35 billion in fines or reached settlements for fraud and misconduct. Imagine that. This is just when they are caught, and I suspect that most of the times they cheat, they don't get caught—but \$35 billion in fines or settlements since 1991 from the major drug companies in this country.

Let me give you just a few examples of some of the settlements and fines the major drug companies have made in recent years.

In 2013, the Justice Department ordered Johnson & Johnson to pay \$2.2

billion in fines because they “recklessly promote drugs for uses that have not been proven to be safe and effective.”

According to the U.S. attorney handling the case, Johnson & Johnson's “promotion of Risperdal for unapproved uses threatened the most vulnerable populations of our society—children, the elderly, and those with developmental disabilities.”

In 2010, AstraZeneca Pharmaceuticals paid \$520 million to resolve allegations that it illegally marketed the antipsychotic drug Seroquel for uses not approved as safe and effective by the Food and Drug Administration.

In 2009, Eli Lilly was fined over \$1.4 billion for its off-label promotion of another antipsychotic product known as Zyprexa. According to Federal investigators, Eli Lilly's “illegal activity increases patients' costs, threatens their safety and negatively affects the delivery of healthcare services to the more than nine million military members, retirees and their families who rely on” TRICARE.

Very interestingly—and I am sure many of the Members saw it—President-Elect Trump had a press conference this morning, and in his press conference, he said that pharma is “getting away with murder.”

Mr. Trump: Pharma is “getting away with murder.”

Do you know what? Mr. Trump is exactly right. Pharma is getting away with murder. Pharma has gotten away with murder for many decades.

The interesting issue is, with a Republican President-elect telling the truth, that pharma is getting away with murder, will the Republicans, will all the Democrats have the guts finally to stand up to the pharmaceutical industry and their lobbyists and their campaign contributions and fight for the American consumer and end the disgrace of having our country pay, by far, the highest prices in the world for prescription drugs?

The good news is—I say to my fellow Republicans and to Democrats—the good news is that tonight you are going to have that opportunity because as part of the so-called vote-arama, I will be offering a very simple amendment which I hope wins strong bipartisan support. In fact, there have been a number of Republicans over the years—in the House and in the Senate—who have supported the concept of reimportation for many years.

What this amendment will do is allow pharmaceutical distributors and pharmacists and those involved in the pharmaceutical industries—those people who sell drugs—to import low-cost medicine from Canada and other countries which will be FDA-approved. In other words, all over this country people ask a very simple question: We can eat fish and vegetables that are grown all over the world, but somehow we cannot get into this country brand-name prescription drugs manufactured by some of the largest drug companies

in the world from an advanced country like Canada? The reason we can't do that is for one reason and one reason alone, and that is the power of the pharmaceutical industry.

I would hope that tonight, both Democrats and Republicans will stand together and demand that this country be able to import safe, low-cost medicine from Canada and from other countries.

I should also mention that I will be introducing legislation with Representative ELIJAH CUMMINGS from Maryland in the coming days on this very issue, on the issue of reimportation and also another issue that Mr. Trump touched on, I believe, today; and that is, the need for Medicare and the government, in general, to negotiate prices with the pharmaceutical industry. The VA does it. Clearly, Medicare should be doing it as well. I believe we are going to have an amendment on the floor tonight. I would hope people support that amendment. I will be introducing legislation on that issue as well as reimportation.

When we talk about the health care crisis in America, one of the issues of concern to most Americans is the outrageously high cost of prescription drugs. The question is whether the Congress has the guts to take on an enormously powerful industry, the pharmaceutical industry, with all of their lobbying and all of their campaign contributions. I certainly hope we will do the right thing, and tonight we can begin that process.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. TOOMEY). The Senator from Louisiana.

Mr. CASSIDY. Mr. President, as we continue to debate health care, there are some things that are kind of being debated that I call monkey dust. When two gorillas fight, they try to confuse each other by throwing dust up in the air. It has nothing to do with the substance of the fight but rather is only meant to distract the other side. That is part of what this kerfuffle, if you will—people raise per-beneficiary payments as if that is something pernicious, something that should be avoided, something which is bad.

First, we are setting this kind of in the perspective of Medicaid.

Let me speak about per-beneficiary payments. For those who are in the Federal Employees Health Benefits Plan, the Federal Government makes a per-beneficiary payment to the insurance company to cover that Federal employee. For those States which have a Medicaid managed care company contract, the State makes a per-beneficiary payment to the Medicaid managed care company. That is a per-beneficiary payment. The reason I like this is because, inherently, the dollar follows the patient.

Now we are speaking about this in the context of a Medicaid reform program. Why should Medicaid be reformed? That is the question. Let's speak about our current Medicaid system. It is bankrupting States and the Federal Government.

In 2009, for the first time, the amount of money spent by States on Medicaid exceeded what they spent on education. Ever since then, Medicaid's expenditures are going up, and education expenditures are going down. Despite all this money, we get poor outcomes. Medicaid typically pays physicians below their cost of seeing a patient.

I pointed out in my speech yesterday that the week ObamaCare passed the House of Representatives, Robert Pear, the New York Times journalist, wrote an article in the New York Times following cancer patients on Medicaid in Michigan. What Mr. Pear found was an oncologist who had so many Medicaid patients she was going bankrupt. Indeed, she had to begin to discharge those patients from her practice because she could not pay her bills. We tracked down one of those patients who was featured, and she died 2 weeks after being discharged from the practice.

Medicaid pays so poorly that physicians cannot afford to see large numbers.

That said, it isn't just an anecdote from this New York Times article. There is a study out of MIT for the National Bureau of Economic Research. I believe it is, that found that with all the money spent on Medicaid, the beneficiary only receives 20 to 40 percent. The rest goes to institutions.

If we speak about a per-beneficiary payment, substantially all of that money goes to the patient. Under the current scenario, out of an MIT study, only 20 to 40 percent does.

Go back to the oncologist who couldn't afford to see the patients because her reimbursements were so low. What if the rest of that money, which was not being attributed to the patient, instead could go to pay her doctor, then the patient would have never been discharged.

By the way, on average, States spend 17 percent of their State dollars on Medicaid. In my own State of Louisiana, it is 19 percent, and in my State this has increased, nearly doubling from the year 2000.

Let's go back to the per-beneficiary payment, where the dollar follows the patient, as in, by the way, the insurance plans that people have under ObamaCare on the exchanges. There is a subsidy that goes to the insurance company that then provides for the patient. The dollar follows the patient. So the per-beneficiary continues to do that.

Folks say: Well, there is not enough money in Medicaid; therefore, we have to somehow do things differently. The models we use in private insurance will not work in the Medicaid population.

We looked up the SEC report for a Medicaid managed care company, and the Medicaid expansion population, they get \$6,000 per enrollee. I just met today with an insurance company that was discussing the rates they are going to give on the exchanges next year. It is going to be roughly \$5,500 per enrollee will be a year's premium.

So think about this. Those in the Medicaid expansion population have more Federal dollars going to support them than those citizens, those fellow Americans who are receiving their insurance on the ObamaCare exchanges. Yet we continue to hear from the Medicaid patients that they have problems accessing specialists.

There is more money in Medicaid than in the private insurance market, but the Medicaid patient can't see a specialist because the patient's specialist is being paid below cost and cannot afford to see the patient. There is something incredibly wrong here.

By the way, I should also point out that in States in which Medicaid is expanded, another MIT study found that 60 percent of those who go on the Medicaid expansion dropped private insurance—dropped private insurance—which means they go from kind of paying their own way to the taxpayer paying for them.

My own State of Louisiana recently expanded Medicaid. It might not have been 60 percent of those on the Medicaid expansion dropped their insurance, but I am told by the chief insurance company that I think about 70 to 80,000 people dropped private insurance to go on Medicaid; 60 or 70 or 80,000 people stopped paying for themselves and asked taxpayers to pay for them.

That is OK if you are the person going on Medicaid. You no longer have a deductible or a copay. I understand ObamaCare exchanges have \$6,000 deductibles, and maybe that is what they had to do, but if we are going to come up with a sustainable system, that is not an answer.

What I do is encourage that there be a per-beneficiary payment, that the money follow the patient. Again, for those who say it is some terrible thing to have a per-beneficiary payment, they are ignoring all the evidence of how it is good. Think of the Federal Employees Health Benefits Program. Probably if somebody is watching on C-SPAN, their spouse or their own policy they get through their employer, the employer pays the insurance company a certain amount of money per employee and per employee family member.

We could also do what Indiana has done. In their Healthy Indiana Plan 2.0, they made per-beneficiary payments, if you will, to Medicaid enrollees, giving them a health savings account and covering their catastrophic expenses. They found that the Hoosiers who enrolled in this used 40 percent less charity care than those with traditional insurance. These are all Medicaid patients.

Folks say: Oh, my gosh. Health savings accounts per-beneficiary payments can never work for the poor.

In this case, 70 percent of those enrolled in this program were below the Federal poverty level. Yet, nonetheless, they contributed to their own HSA. They continued making those contributions and altered their behavior to become more cost-conscious, better consumers of health care.

I always say don't underestimate patients. In my own practice, for 30 years, I worked in a hospital caring for the uninsured, and although the uninsured don't have some of the advantages in life that others have, they can take care of themselves. They know what is right and what is wrong in terms of their own interests.

So let's make those per-beneficiary payments. Let's not be distracted by those who somehow make this a bad thing. Let's believe in the American people, that they can handle their own health care and that they don't need a Washington bureaucrat to tell them how to live their health care lives.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, first of all, I want to acknowledge the great intellect that the Senator from Louisiana brings to the debate, the experience he has in the health care field, how much I personally have learned from him on the committee in the work we do, and I thank him for the contribution he makes to the Senate.

I rise to talk a little bit about how we got to where we are today, what we are about to do, and where we need to end up. It will be short, and it will be sweet, but it will be to the point.

I was here in 2009 when we passed ObamaCare. In fact, as the Presiding Officer will remember, it was at 9 o'clock in the morning on Christmas Eve in 2009. I opposed it at that time for a particular reason. The reason was that I saw it driving us toward a single-payer health care system, which I personally opposed. But the votes were there. It passed, and it passed on the promise that if you liked your doctor, you could keep him; if you liked your insurance, you could keep it. And because everybody is going to be insured, rates will go down and everything is going to be wonderful.

What has happened over the last 8 years has been pretty incredible. Rates have gone up tremendously. People have not been able to keep their insurance. We find ourselves on the cusp of being forced to a government single-payer health care system because the private markets are collapsing.

In my State of Georgia, where we have 159 counties, up until this year every county had at least two or more providers providing health insurance. Today in 2017, 96 of our 159 counties have one carrier. Next year half of them will be down to no carrier, and we will be forced into a system that we don't know what it will look like. Prices have gone up not just by a little bit, but they have gone up by an awful lot. The end-user market in Georgia is approaching the breaking point.

I will give you a couple of examples. Two parents in Georgia picked the least expensive plan available this year to their family of four. It comes out to be a \$6,500 deductible and \$2,400 a month for premium—unsustainable.

A couple in their sixties had a similar plan but were just outside the subsidy limit of \$96,000 for their family. So they are paying over 50 percent of their income for health insurance.

Hard-working families deserve better. Although President Obama promised this law would reduce premiums and make health care more available, it has done the opposite. ObamaCare is unsustainable. Now, that is the practical answer, and that is exactly what got us to where we are today.

We are in the process of attempting to get the budget reconciliation act before us so that we can repeal ObamaCare, but we must also talk about what we replace it with because repealing it without a replacement is not an acceptable solution. It is not a solution. It is a conundrum.

We must prioritize returning the oversight of individual markets to the States and provide them with the flexibility to design their Medicaid programs in ways that enable them to cover most people and tailor benefits to meet the needs of the unique populations in their States.

We have proven in the past that regulation by the State insurance commissioners work. We need to return association health plans to be competitive in the United States. We need to allow the sale of interstate insurance across State lines and stop the prohibition against that. We need to open the opportunity for entrepreneurship in the private sector to fill the void that is being filled by the vacuum that has been created by the mandates of ObamaCare.

We need to also preserve those things in ObamaCare that made sense—pre-existing condition, absolutely; insurance coverage up to the age of 26 while staying at home with a parent, absolutely. Those things can be done, and we ought to do them because they were the right thing to do when we did them, and they are the right thing to preserve now. But it is absolutely essential that we see to it that we return insurance to the private sector and regulation to the States. If we fail to do so, we will have higher premiums or no premiums at all and no plans at all.

So as we talk about repealing, we must also end up landing on a replacement. It is unsustainable and impractical, and it is wrong for us to say we are going to repeal ObamaCare without replacing it with a plan that we know works and has the opportunity. Let's address that which caused ObamaCare to happen. Let's fix the breaks that have taken place. Let's bring back competition, State regulation and authority, and let's see to it that health care in America is accessible and is affordable. It is important for us to do it. It is essential for us to do it, and I plan to commit myself to seeing to it to do my part to repeal ObamaCare. We replace it with a sustainable program, we return the program to the States, wherever possible, and we see to it that Americans have health insurance coverage at a competitive and fair price.

I yield back.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I want to talk specifically for a few minutes about mental health care and about an amendment that I will be offering this evening. But I do want to start off by stepping back for a moment and indicating that, from my perspective, I know those of us on the Democratic side of the aisle understand that we have work to do together to continue to bring down costs for health care and, in some areas where there is not enough competition, in fact, to create that competition. Affordable health care is the goal for all of us. I have concerns in looking at my small business community that we continue to do things that support them. That is different than what we are being asked to vote on here.

What we are being asked to vote on is a repeal of health reform that touches every American and all of the patient protections that we put in place that have moved total control from insurance companies to people with insurance so that we can't quit a job if we get sick. If you have a preexisting condition, are a diabetic, or have heart disease or you had some other challenge or your child has, you know that you will have confidence that you will continue to be able to find insurance and see your doctor. There are all of the provisions that are here—young people up to age 26, all of the efforts that we put in place to make sure that you have the confidence and the ability to know that you have insurance. We need to ensure that if someone has cancer, they are not going to be capped with the amount of care they can get.

Yesterday in the capitol in Lansing, MI, there were physicians and pediatricians working with cancer patients, with children and their families, who were talking about the fact that, because of the Affordable Care Act and taking off the caps on the amount and kinds of treatment that children with cancer can get, literally, lives have been saved. Parents are now looking at this body and the Congress as a whole and the new President and are saying: Why in the world would we want to go back to a situation where people can't get the level of care, the quality of care, or, in some cases, the care at all for themselves or their families?

So we are proposing that, rather than repealing health reform, which unravels the entire health care system because part of it is Medicare, part of it is prescription drugs going back up—it weakens the Medicare system, and it weakens the Medicaid system, where most of the dollars are going to seniors in nursing homes. It creates a situation where someone who is working very hard at a minimum-wage job and hasn't been able to have insurance because their employer didn't provide it can now have the assurance that they can care for themselves and their families and see a doctor without using the

emergency room for regular treatment, which, of course, is the most expensive way to get health care and drives the costs up. What is being proposed is that we unravel all of it and literally create chaos in the system. We are for affordable health care, and we are willing to work with anybody at any time. I, certainly, will be ready and willing to do that. But I reject the idea that we are going to repeal and unravel the entire health care system and create chaos for families, businesses, and communities. There are many communities where the hospital system is the major employer in the community. Health care is one-sixth of the entire economy and is going to be impacted by this.

I want to specifically speak about the importance of accessible and affordable mental health services and what we have been able to achieve with protections established by the Affordable Care Act that ensure people can receive care. We have come a long way since over 50 years ago when President John F. Kennedy signed the Community Mental Health Act and put down a marker about the importance of treating health issues above the neck as well as below the neck. Comprehensive health care should affect every organ, every part of the body, every kind of disease. We have made major steps in that direction. We have a long way to go to get the comprehensive care we need in the community, but we have made major steps forward, including bipartisan efforts here related to the Cures Act, as well as the efforts that Senator ROY BLUNT and I have been working on to make sure the payments for providing services in the community are the same for mental health and substance abuse services as well as physical health. So we have made steps forward, but the reality is that repealing the Affordable Care Act will take us backwards in a major way.

I have introduced, along with colleagues who are also champions on this issue—Senators CARDIN, MURPHY, DURBIN, and a number of other Democratic colleagues—an amendment that would help to prevent passage of any legislation that would reduce or eliminate services and access to mental health care. This is an amendment that should not even be necessary, particularly given the fact that we have worked in a bipartisan way on other pieces of legislation to move forward.

I don't know why we would ever pass something that reduces or eliminates access to mental health or substance abuse services such as opioid treatment. Why in the world would this body come together and jeopardize work we have already done, essentially ripping it apart? The repeal of the Affordable Care Act and the cuts to the Medicaid Program do exactly that.

Why is this important? Well, nearly one in five adults in our country has a mental illness. About 4 percent of adults have serious mental illness. Unfortunately, even now, with work we have been doing, we still have over 60

percent of people who don't receive the full treatment they need. We should be working together on that, not taking away the access to treatment that people already have.

This touches all of us in one way or another. I think all of us—our families, our friends—know someone. In my case it is very personal. I grew up with a loving, wonderful father who became ill when I was in elementary school. He was misdiagnosed and mistreated for years, and finally was accurately diagnosed as being bipolar, meaning he had a chemical imbalance in the brain. So contrary to other people who may have a sugar imbalance and they take their insulin because they are diabetic or they may have some other chemical change or imbalance where they can get treatment that has been covered under health insurance, if it is a chemical imbalance in their brain, up until the Affordable Care Act, it was not required to be covered under health insurance. It was not required, even though we passed policies stating that there should be mental health parity. For the first time, in the Affordable Care Act, we said in every definition that, when we talked about health care, it would include behavioral health, mental health, and substance abuse. As a member of the Finance Committee, that was a top priority for me. I indicated to the chairman at the time that I would not support any health care reform that did not define essential health care benefits as including mental health and substance abuse services. We know that definitions drive every new system, and we were successful in making sure that, in every part of health reform, we defined health care in a comprehensive way for the first time.

Mental health used to be considered a preexisting condition—not any more. Health insurance companies can no longer deny you coverage or raise your rates because you need mental health treatment. My dad struggled with that throughout his life. When he was finally diagnosed correctly and got the medications and the help that he needed, he never went back into the hospital again. I have seen what happens when someone doesn't get the help they need and when they do and the challenges to the families as well, and I am committed to making sure that services and treatment are available for every family.

Americans now have coverage for preventive services like depression screenings with no cost-share. You can see your doctor to get help without breaking the bank. Mental health and substance abuse are also now guaranteed benefits, as I mentioned before. They are covered as essential health care benefits. Why in the world would we not want to do that? Why would we say we want people to have access to health care, but it depends on what part of the body your disease is in?

That makes absolutely no sense. The Affordable Care Act makes sure that

our law defines comprehensive health care from your head to your toes. It is the right thing to do.

These are all commonsense reforms, and we cannot afford to roll this back. A Harvard Medical School and New York University study released just this morning shows that if the ACA were repealed, 1.2 million Americans with serious mental disorders and 2.8 million Americans with substance abuse disorders would lose some or all of their coverage. This is 4 million people losing treatment that is allowing them to get help, move on with their lives, and be productive citizens as we all want to be and as we all want to have available to our family members.

Think of all the millions more who could again be in a situation of not being able to afford insurance once relabeled with a preexisting condition. The opioid treatment gap—the gap between the number of people who seek services and those who can find or afford—would increase by 50 percent if the ACA is repealed. There would be 50 percent more people unable to find or afford services.

We just had major debate on the floor and passed grant funding to help with this very serious issue. But why in the world should we say for a critical part of health care affecting every family, one out of five Americans, that it will be only around grants and not a part of our comprehensive health care system?

What happens now? The grant runs out: Gosh, I am so sorry you are sick. I am so sorry that you need to see a therapist or that you need medications. I am so sorry the grant ran out.

I don't think we would do that to somebody who had a heart attack: I am so sorry you have had a heart attack. You need surgery, but the grant ran out.

But with mental health illness, that is what happens every day. That is what happens.

Frankly, it is outrageous that we don't have a comprehensive health care system that is completely treating and responding in every way and reimbursing physicians and nurses for all of the different kinds of treatments, services, and medical help they provide.

We have put into law in the ACA that insurance companies cannot discriminate, you cannot have larger copays, you cannot have caps on services, you cannot have larger premiums—and this is a fundamental baseline right that we have placed into law as it relates to access to mental health and substance abuse services. To see that ripped away from Americans across the country is unbelievable to me. It is totally unacceptable.

The amendment we are offering would create a budget point of order against any legislation that comes to this floor that reduces access to mental health services for children, for adults, for seniors in this country. I would hope that all of us could join together and state through our votes that we understand how important these serv-

ices are and what a difference they have made. Right now, repeal of the ACA means 4 million people will lose those services, not counting all of the others that would be blocked because of future access problems and preexisting conditions and caps on services and all of those patient protections that go away.

I hope that we will join together in a bipartisan way, as we have done on bills such as the Cures Act and others, to say we understand this is the fundamental piece. It starts with mental health parity. To me it is incredibly hypocritical to talk about these issues and want to provide grant funding when the fundamental question of whether mental health and substance abuse services covered under your insurance are ripped away, which is what will happen with the repeal of the Affordable Care Act.

I urge my colleagues to support our amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

REMEMBERING STANLEY RUSS

Mr. COTTON. Mr. President, my home State of Arkansas lost one of its great statesmen last week with the passing of former State Senator Stanley Russ.

Stanley was a man of the soil. Born in Conway, he grew up on a dairy farm just outside the city. He went through the public school system and earned a degree in agriculture from the University of Arkansas. Although he spent the bulk of his career in the life insurance business, over the years he continued to raise cattle. Even when he was an old man, you could find him clearing brush on the road to his house. That is how we thought of him—always keeping busy, always working, and always in touch with the needs of the land and its people.

As a veteran, I have to say that one of the things I most admired about Stanley Russ was his military service. He served in the Army for 2 years, completed Officer Candidate School, and became an instructor in artillery. After being discharged, he served as a company commander in the Arkansas National Guard for several years. In 1995, Stanley was inducted into the U.S. Field Artillery OCS Hall of Fame at Ft. Sill, OK.

His true calling in life was public service. Stanley represented Conway for 26 years in the Arkansas State Senate. More impressive than his lengthy tenure was his unimpeachable integrity. Stanley Russ was universally known as good, sturdy stock. The story is often told that during his first campaign, one of his opponents had some of his poll watchers thrown in jail. But Stanley won the race anyway and went on to pass legislation protecting the rights of all poll watchers. He served in the senate with distinction, championing quality education for all of Arkansas' students and eventually rising to the office of president pro tempore.

Stanley Russ was a model for all of us in public service. I got to know Stanley well in my first campaign. He remained a friend and trusted source of advice and support until he passed away.

I have heard Stanley died peacefully, surrounded by his loving family as his granddaughter sang the hymn, "Great is Thy Faithfulness." In his words, he considered himself "greatly blessed, highly favored, imperfect, but a forgiven child of the King."

But perhaps the best summing up was given by the man who now holds his seat, State Senator Jason Rapert. As Senator Rapert put it, Stanley Russ was "the kind of man that God made only one time."

As I stand on the Senate floor, I wish to say on behalf of our grateful State: Stanley Russ, rest in peace.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, I rise this afternoon to join my colleagues in expressing support for S. Con. Res. 3, the budget resolution which, as most Americans now know, is the vehicle we will use to begin the repeal and replacement of ObamaCare.

This is a matter of keeping our word to the American people. This is a matter of keeping our promises that we have made, not only during the last campaign cycle but repeatedly since I voted against this bill some 8 years ago. It was enacted in January of 2010.

Republicans on this side of the aisle and many Americans repeatedly opposed the ObamaCare expansion of Federal power. We said it wouldn't work. We said the President would not be able to keep his promises to the American people and when we got a chance to go back into the majority, we would repeal that act. On this side of the aisle, this is a followup on years and years of determination on our part to right this wrong, to keep our promises, and come up with a better plan to help Americans have coverage they can afford and a doctor they can keep.

I intend to support the chairman of the Budget Committee in the votes we will have today and tonight. We have what some people call the vote-arama tonight. A number of votes will be taken in rapid succession, and we don't know how many will actually be offered by our friends on the other side of the aisle. I believe I will be able to vote against all of these amendments because I think keeping a clean bill makes it more likely we will be able to pass this legislation, send it to over to the House of Representatives where it can be tweaked but passed and get back to us for final approval, and actually get a bill to President-elect Trump after he takes office, repealing ObamaCare so we can replace it with something that works.

This is our opportunity to keep our campaign promise. This is our opportunity to help the President-elect and the Vice President-elect keep their

campaign promises and show to the American people that elections have consequences and that at least this group of public officials intends to keep our word with regard to this piece of legislation. It was well intended, no doubt, but it could not possibly have worked to do the things that President Obama said it could do.

In 2009 and 2010, the President told us: If you like your health plan, you get to keep it. It turns out that is a promise that was not kept because it could not be kept.

The President said: If you like your doctor, you can keep that doctor. Again, this is a promise this administration and our Democratic friends on the other side of the aisle were unable to keep. That is why so many people around the country are opposed to keeping ObamaCare. They want it to be repealed. They want a drastically different approach involving market principles to be put in its place so it will work for patients and work for the American people.

ObamaCare is not working. It is not working in my home State of Mississippi. It is not working for millions of Americans who lost their health insurance. It is it is not working for millions of Americans who saw their premiums rise and their deductibles go to unimaginable heights.

Of course, I know the Presiding Officer and I have heard from constituents at home, and I am going to take this opportunity to share with you some of the views I have heard from people in Mississippi who are looking to us in the House and in the Senate to rectify this situation with regard to this disastrous piece of legislation.

A 62-year-old individual from Madison, MS, wrote to me saying:

Please explain the term "affordable" in the Affordable Care Act. . . . I recently went to Healthcare.gov to look at possible health insurance plans. . . . The estimates range from over \$18,000 to over \$26,000 per year. That is anywhere from 13.5% to 18.6% of our gross salary. So forget about saving for retirement. The system is flawed.

Another Mississippian wrote to me:

I have read in many publications about the increases in premiums for ObamaCare, but that is actually a moot point when the only insurance . . . that my doctor and my wife's doctor will take is PULLING out (of the exchange) leaving my wife with no choice but to possibly return to work just for the insurance.

A third constituent from Saltillo, MS, wrote:

I just applied at the market place for health insurance. My quote was \$415 monthly with a deductible of \$6850. I work less than 30 hours a week in retail. There is no way that I can afford that.

This constituent from Saltillo goes on to say:

What am I supposed to do? I have a car payment and I need to eat.

Well, I think help is on the way. The action we are going to take this week in sending this resolution over to the House of Representatives is a form of keeping our promise and providing assistance to this constituent of mine.

These stories go on and on. For a woman in Gulfport whose husband lost his job, the cheapest plan in the ObamaCare exchange was \$1,042 with a \$13,000 deductible. This constituent calls ObamaCare "legalized extortion."

A 60-year-old constituent was understandably upset when his insurance went up by \$113 a month. He then noticed that coverage he didn't request had been added to his policy without wanting it or needing it. Pediatric dentistry and birth control were required on this plan, two things neither he nor his wife want to use or want to pay for.

So I want to remind my colleagues that ObamaCare is hurting individuals—individuals who have written to me, and individuals who have written to all of my colleagues, but it is also hurting small businesses in Mississippi and small businesses in Pennsylvania and around the country. I would remind my colleagues that most jobs in the United States are created not by large corporations, not by the big-ticket manufacturing plants that come into our States and districts that we like to have, but by small businesses—businesses of under 200 people.

A small business owner in South Mississippi wrote to me. Following her husband's retirement, she had to find health care through the exchange. Her county borders Louisiana, and many Mississippians travel across State lines for work. The health care network that she has used for 20 years is no longer an option for her because ObamaCare policies do not allow beneficiaries to use networks in different States. That is also something we need to address when we finally put in place the replacement portion of this mechanism.

The plan for this nonsmoker, with no preexisting conditions, under the exchange cost her \$900 a month in premiums and she was not able to keep her doctor.

It is not just constituents in my more or less Republican State, among my more or less Republican constituents in the State of Mississippi who are telling the truth about ObamaCare. I want to quote Bill Clinton, speaking on behalf of his wife in Flint, MI, on October 4 of last year. Former President Bill Clinton said this:

You've got this crazy system where all of a sudden 25 million more people have health care, and then the people who are out there busting it, sometimes 60 hours a week, wind up with their premiums doubled and their coverage cut in half. It is the craziest thing in the world.

President Bill Clinton said that just last year in Flint, MI.

I think if we come to grips with this, we will admit that this is a crazy system. It was well intended by some of my Democratic friends but one that has failed; one that has failed the American people and one that has failed to keep the promises that were solidly made when the bill was rammed through on a strictly partisan basis. Every Democrat was supporting it. No Republicans were supporting it at all.



There was no Republican input, no bipartisan input on overhauling one of the most significant systems in our country.

It is time for us to move forward, and tonight is a step forward. We certainly aren't going to get it all done in one fell swoop, and even when we get the bill signed into law by our new President Donald Trump, it will take a while for it to be put into place. Tonight we show that we meant what we said and we said what we meant, and we are going to follow through. We are going to pass this resolution tonight and begin the process of keeping our promises to the American people to repeal ObamaCare and replace it with something that works for the millions and hundreds of millions of Americans out there who depend on us for good policy.

Seeing no other Members seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. ERNST). Without objection, it is so ordered.

#### RUSSIA

Mr. DURBIN. Madam President, the most popular dictionary defines an act of war as an act of aggression by a country against another with which it is nominally at peace. Let me repeat, an act of aggression by another country against another with which it is nominally at peace.

On Friday, America's intelligence community issued a damning, detailed assessment concluding that Russian strongman President Vladimir Putin ordered an attack on our Nation's electoral system to sow mistrust and favor one candidate over another. The evidence was sweeping, overwhelming, and troubling.

The key findings, quoted directly from the public version of this report from the intelligence agencies, said as follows:

Russian efforts to influence the 2016 U.S. presidential election represent the most recent expression of Moscow's longstanding desire to undermine the U.S.-led liberal Democratic order, but these activities demonstrated a significant escalation in directness, level of activity, and scope of effort compared to previous operations.

We assess Russian President Vladimir Putin ordered an influence campaign in 2016 aimed at the U.S. presidential election. Russia's goals were to undermine public faith in the U.S. Democratic process, denigrate Secretary Clinton, harm her electability and potential presidency. We further assess that Putin and the Russian Government developed a clear preference for President-elect Trump.

We also assess Putin and the Russian government aspired to help President-elect Trump's election chances when possible by discrediting Secretary Clinton and publicly contrasting her unfavorably to him.

They go on to talk about the types of influence Moscow inspired.

I am not going to stand here and argue that if the Russian efforts had not taken place, there would have been a different outcome in the election. No one will ever know that. And when asked directly, the intelligence agencies, despite these strong statements, say there is no evidence of direct vote tampering or tampering with election equipment, thank goodness. That isn't the point.

The point is, Vladimir Putin and the Russians did what they could to influence our election. Americans should stand up and listen because what is at stake is the sovereignty of our Nation and the reliability and integrity of our election process.

What the Russians did was truly staggering and momentous—a foreign adversary intentionally manipulating America's democracy and election. I don't know if it is an act of war by classic definition. It is an attack on our Nation by any definition. It should not go unanswered.

For those who have been following Vladimir Putin's bullying actions over the last several years, this is no surprise. Instead of building a modern global economy based on the great talents of the Russian people, he and his closest neighbors have created false enemies in the West, sadly and dangerously creating a narrative that domestic Russian problems are really the result of NATO, the United States, and the West.

He has tried to discredit the West and its Democratic free market institutions. He has used manufactured enemies of Russia to rally domestic support for his tactics and leadership.

It is, ultimately, a tired narrative that when combined with domestic political repression and manipulation, helps keep Putin in power.

Let's not be fooled into thinking his actions are merely annoying. The threats are real and dangerous, and they go directly not just at the United States but many of our strongest allies.

I have a list which I ask unanimous consent be printed in the RECORD in detail.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

April–May 2007 Estonia: Angered by an Estonian plan to move a Russian World War II memorial and Russian soldiers' graves, Russia disabled Estonia's internet with a particular focus on government offices and financial institutions.

June 2008 Lithuania: Similarly, when the Lithuanian government banned the display of Soviet symbols, Russian hackers defaced government web pages with hammer-and-sickles and five-pointed stars.

August 2008 Georgia: After Georgia's pro-Western government sent forces into a breakaway Russian-backed region, Russian hackers shut down the country's internal communications to coincide with a military seizure of Georgian territory.

January 2009 Kyrgyzstan: As part of an effort to persuade the president of Kyrgyzstan

to evict a U.S. military base, Russian hackers shut down two of the country's four internet service providers. Kyrgyzstan in turn removed the base and received \$2 billion in Russian aid.

April 2009 Kazakhstan: After Kazakh media published a statement by the country's president that criticized Russia, a Russian-attributed attack shut down the publication's site.

August 2009 Georgia: Russian hackers shut down Georgian Twitter and Facebook on the first anniversary of the 2008 Russian military invasion.

May 2014 Ukraine: Three days before Ukraine's presidential election, a Russia-based hacking group attacked and disabled the country's election commission, including its backup system. Ukrainian officials say the arrested hackers were trying to rig the results in favor of the pro-Russian candidate.

March 2014 Ukraine: As in Georgia, Russian allegedly coordinated military and cyber attacks, disabling the internet in Ukraine while Russian-armed proxies seized control of Crimea.

May 2015 Germany: German investigators discovered hackers had penetrated the computer network of the German Bundestag, the most significant hack in German history. Security experts said hackers were also trying to penetrate the computers of Chancellor Angela Merkel's Christian Democratic Party.

December 2015 Ukraine: Hackers believed to be Russian took control of a Ukrainian power station, locking controllers out of their own systems and cutting 235,000 homes from power.

October 2015 Netherlands: Security experts believe Russia tried to hack into the Dutch government's computers to remove a report about the downed Malaysian airliner over Ukraine. The Dutch Safety Board eventually concluded that the passenger plane was brought down by a Russian-made missile fired from an area held by pro-Russian rebels in eastern Ukraine.

January 2016 Finland: A security firm announced that it believes Russian hackers were behind attacks on Finland's Foreign Ministry several years before.

December 2016 Germany: The head of German intelligence warned last month, "There is growing evidence of attempts to influence the federal election next year," specifically citing Russia as the source of the attacks, adding, "We expect a further increase in cyber-attacks in the run-up to the elections." Experts believe Russia wanted to undermine Chancellor Merkel who has supported sanctions against Russia for its actions in Ukraine.

Mr. DURBIN. Madam President, NBC News compiled a document of activity by Russia and Vladimir Putin. It starts in April of 2007 in Estonia, where the Russians were disabling their Internet; in June 2008, in Lithuania, where the Russian hackers were defacing government Web pages; in August 2008, in Georgia, where the Russian hackers shut down the country's internal communications system; in January 2009, in Kyrgyzstan, as part of an effort to persuade the President there to evict a U.S. military base, the Russian hackers shut down two of the country's four Internet service providers.

April of 2009 in Kazakhstan. After Kazakh media published a statement by the country's president that criticized Russia, Russian-attributed attacks shut down the publication's Web site.

August 2009 in Georgia, there was similar activity; May 2014 in Ukraine; March 2014 in Ukraine; May 2015 in Germany; December 2015 in Ukraine; October 2015 in the Netherlands; January 2016 in Finland; December 2016 in Germany.

Of course, there was also the Russian military seizure of sovereign territory in the nation of Georgia in 2008 and their invasion of Ukraine in 2014. In fact, Russian forces and their proxies still hold captured land in Georgia and Ukraine, and from that spot in Ukraine separatists shot down a civilian airliner 2 years ago, murdering 283 innocent passengers, including 8 children.

This is our adversary. This is the man who is trying to undermine the American electoral system. We cannot take it lightly.

Twenty years ago, when I was elected to the Senate, I was a member of the Government Affairs Committee. The first hearing we had was a lengthy investigative hearing. What was the basis of it? We had just concluded a Presidential campaign, and allegations were made that the Chinese Government 20 years ago was trying to insert itself into the Presidential campaign of the United States, specifically in support of the Clinton-Gore ticket.

Fred Thompson was chairman of that committee, a pretty well-known man who has since passed, but he was a pretty outstanding lawyer in addition to being a pretty famous actor. He was my chairman. He spent months in public hearings investigating whether the Chinese tried to insert themselves in any way, shape, or form in the election of Clinton-Gore. They found virtually no evidence, other than a handful of Buddhist nuns writing checks to the campaign, which nobody ever really explained. But there was no evidence that the Chinese Government was involved in this in any specific way. We spent months on that theory in open hearings, and then published reports—conflicting reports on conclusions from that committee. We took it that seriously 20 years ago.

What are we doing about this? Well, Senator McCONNELL, the Republican leader, said that we will do the regular order; we will let the regular committees go about their business and figure out what might have happened in the course of that. That is not good enough. Regular order may put this investigation in the Intelligence Committee. Do you know what that means? It means you are not going to see their hearing. You are not going to be able to see their witnesses and listen to their testimony, and much of the evidence that is going to be presented will never be shared with the public.

I understand the need to protect classified material. We must do that. I insist on that. But at the same time, we need to answer some basic questions about what Russia tried to do in this last election and to make it clear to them and to the world that the United States is not going to be a sucker. We

are not going to allow anyone who can hack into our systems to try to undermine the electoral system of the United States. We are proud Americans. We will handle our own elections, thank you. Keep your hackers out of business in the United States.

Recently, we have had allegations—and I underline the word “allegations”—of other involvement of the Russians with the Trump campaign and the preparation of certain documents, which have not been corroborated as of this date. They may lead to nothing, but they certainly deserve investigation so that we know what the facts may be.

Yesterday at the Senate Judiciary Committee, I asked Senator JEFF SESSIONS of Alabama, a man who is aspiring to be Donald Trump's Attorney General, if he could recuse himself from investigations into Russian connections with the Trump campaign. He had just said earlier he was going to recuse himself from investigations involving Hillary Clinton. Senator SESSIONS said, “I would review it and try to do the right thing as to whether or not it should stay within the jurisdiction of the attorney general or not.”

I hope that Senator SESSIONS, if he in fact becomes the Attorney General, will have some second thoughts. It is far better to consider a special counsel in the Department of Justice in light of the political circumstances of these allegations.

Secondly, we need to have a select committee—not the Intelligence Committee—of either the House or the Senate that will meet and consider this information and investigate it in a responsible way. In fact, I think it is of such gravity that we ought to consider a public-private commission—a commission of elected officials, as well as private citizens, whom we respect. I think of the names of General Colin Powell and former Supreme Court Justice Sandra Day O'Connor as chairs and cochairs of that effort, people of unquestionable integrity who will make the right findings for America and not for any political reasons, as far as I am concerned.

Today, I asked Michael Mukasey, former Attorney General under President George W. Bush, whether the Attorney General has the authority to shut down an FBI investigation, and he answered very simply, “yes.” So we need more information. We need to make sure that this is taken seriously and that we address it in a serious manner because it is a serious issue.

What, in fact, has been the response from the other side of the aisle? With a few notable exceptions, that party of Ronald Reagan, the 40th President—who really understood the old Soviet regime—has greeted this information with near silence. That is right. Except for a few voices—my colleagues Senators GRAHAM and MCCAIN in particular—there has been near silence.

How in the world did an attack ordered by a former Soviet KGB official

on our Nation become a partisan issue that is largely ignored by a majority of one of our Nation's two great political parties? How did the Republican Party, which now controls both Chambers of Congress, decide that repealing health care insurance for millions of Americans was the most urgent, first priority to deal with amid this sweeping evidence of a Russian attack on our democracy? Ronald Reagan must be rolling in his grave.

Does anyone remember his clarity about standing up against attacks on the West and its allies when the Soviets shot down a civilian Korean airliner in 1983? This is what President Reagan said:

And make no mistake about it, this attack was not just against ourselves or the Republic of Korea. This was the Soviet Union against the world and the moral precepts which guide human relations among people everywhere. It was an act of barbarism born of a society which wantonly disregards individual rights and the value of human life and seeks constantly to expand and dominate other nations.

There was a time in this town when national security issues were truly bipartisan, when security meant patriotically putting aside partisan agendas. Can anyone here imagine for a second—just one second—the debate we would be having here now if the situation were reversed? The House alone spent millions of dollars on countless and ultimately fruitless investigations into the tragic events of Benghazi. Here we are, with overwhelming evidence of an actual attack on our Nation, and the majority party is largely silent. That is incredible. It is quite simply an abdication of political responsibility not to address a verified national security threat to our Nation.

With the release of Friday's report, I urge my colleagues to read both the public and classified reports. The classified version contains the same damning and sweeping conclusions I mentioned here today from the public document, but it goes into detail. As such, I urge this body to come up with an appropriate response to this attack. I have joined in bipartisan Russian sanctions legislation with Senators CARDIN, MCCAIN, MENENDEZ, GRAHAM, SHAHEEN RUBIO, KLOBUCHAR, SASSE, and PORTMAN. We urge that we quickly advance as an urgent priority Russian sanctions to make it clear that what they have done is reprehensible, unacceptable, and will not be tolerated.

This Congress can also do what many tried to do in the past and failed—which is certainly timely—and that is pass meaningful cyber security legislation.

We have to maintain our strong NATO Alliance, stand firm against Russian meddling or attacks, and tell our friends in the Baltics and Poland, in particular, that we stand by their side, that nothing has changed, and that our friends in Ukraine can trust that we will be with them as they establish democratic sovereignty. We must work with the new administration to fully accept and counter this

Russian threat. We must work to undermine any such future attacks at home and against our allies. We should get to the bottom of the extremely troubling allegations that have been made recently.

Yes, ultimately we must work with Russia where those efforts serve our global interests—and I think there will be some common areas—but we must not do so from a position of weakness. We will never be taken seriously by Putin or our adversaries otherwise.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

CONGRATULATING CLEMSON ON WINNING THE COLLEGE FOOTBALL NATIONAL CHAMPIONSHIP

Mr. GRAHAM. Madam President, there are a lot of pressing issues going on in the country and in the world. These are tough, turbulent times. But Senator SCOTT and I are going to take a moment or two to talk about a topic that I think millions of Americans appreciate: college football.

In the South, where TIM and I come from, it is as close to being a religion as you can get, and we are here to celebrate Clemson University becoming the national champion in college football, beating Alabama in the best college football playoff game I have ever witnessed in my life.

To the people of Alabama: You had one heck of a ride, a 26-game winning streak, something you should be proud of.

To the Tigers: You beat the best team in the country, and, to me, the way you won is as important as the outcome.

DeShaun Watson is probably going to go in the very top of the draft to the NFL. I would say he is the best college football player in America. What DeShaun has won for Clemson is unbelievable. The way he has done it is even more unbelievable. He graduated in 3 years. He is one of the nicest young men I have ever met in my life. His faith means a lot to him.

He threw the ball to Hunter Renfrow, who was a walk-on—a young man from a small town in South Carolina who walked on to the Clemson University team. Because of Coach Dabo Swinney, he had a shot at making the team and wound up catching the winning pass to win the national title.

How is this possible? It is possible because of leadership at the top. President Clements, our new president, has a vision of Clemson University as aggressive and bold off the field as Dabo has had on the field. I think Dabo Swinney represents the best in college sports. The Clemson team is truly a family. If I had a son, I would want him to play for Dabo.

If you are looking for a place to go to school where you would be academically challenged, go to Clemson. If you are looking for a place to go to school or to be a part of a community, something bigger than yourself, go to Clemson. If you are looking for a place to watch sports at the highest level possible, go to Clemson.

So I congratulate the Tigers. Who you beat was impressive, but more impressive is how you have conducted yourself over the last couple of years.

The Clemson program is a model for college athletics. Dabo has an uncanny ability to take people from different backgrounds and mold them into a team. He loves his players and they love him.

I live 5 miles from Clemson University and went to the University of South Carolina, and most of you don't know what that means: the biggest rivalry.

I am proud of Clemson. I grew up in the shadow of the university, 5 miles from the stadium. I have been around the Clemson Tiger family all my life. They conferred an honorary degree upon me a couple of years ago. Given the academic standards at Clemson, that is the only way I would have ever graduated from Clemson.

So I want to tell the Tiger Nation that all of us in South Carolina are so proud of your victory on the field, but equally proud of the way you conduct yourself off the field. Clemson University is in the top 20 public schools in the country, with no end in sight.

Next year, if I were an Alabama fan, I would be very optimistic. This young freshman quarterback is coming back. He is an incredible talent. The people of Alabama should be proud of their football team and their coaching staff because you have been on top of the mountain for a very long time. I hope you believe that Clemson is a worthy successor.

Dabo said it best, “The [tiger] paw is flying on the top of the mountain” of college football, and that is saying a lot.

Go Tigers.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. SCOTT. Madam President, I ask unanimous consent to display my Clemson flag.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCOTT. Madam President, I think it is important for us to realize and note that while Senator GRAHAM did in fact grow up just a few miles from Clemson—which means his affinity for the university is natural—it is consistent with his upbringing. For me, it is very different. When you are born in South Carolina, and you are born on the coast near the Atlantic Ocean, the likelihood of your being a Gamecocks fan and wearing garnet and black is about 75 percent. So I must concede that I still pull for the Gamecocks. That is a controversial position to be in when you are talking about the new national champions.

I would also like to say to Senator SHELBY—a man of integrity, character, and long service—thank you for making the bet. I am so glad you lost.

I would also say to the Clemson Tigers—the “Tigers Nation”—we are so incredibly proud of what you have ac-

complished. It is amazing, not only the successful season that you have had on the field but the character that has been the focus of so much of the conversation off the field.

We have talked specifically about No. 4, Deshaun Watson, and the amazing story about his relationship with his mother. I have a special relationship with my mom. So I appreciate his focus and determination to honor her when he is on the field and to continue to honor her when he is off the field. That story is a remarkable story that deserves more attention. It really does.

As to Coach Dabo Swinney, is an amazing coach, without any question, but he is also an Alabama alum. Having won the national championship as a part of the Alabama football team—I believe it was 1992—you have a champion come into Clemson University and making champions by loving compassionately, by challenging on the field, and by embracing these men and the entire apparatus around the university and college athletics. He has done a fabulous job.

I think of the walk-on receiver that Senator GRAHAM mentioned. In every facet of the team—whether you are the so-called water boy, whether you are the athletic trainer, whether you are a physical therapist—people win because of the team that they are on. There are no self-made success stories.

We should remember that as we focus on these young athletes. I know their lives will be meaningful because of the team they played on and not simply the victories they celebrated.

I do want to take a few seconds and mention the president, Jim Clements, who is a fantastic guy and one of my dearest friends. Jim and I were having a conversation through text before the game, and I decided, since we can't use our phones on the floor of Senate—I know they frown on that kind of stuff, technology; it is an interesting concept here—I decided to print the text. This was a Wednesday evening around 10 p.m. I had just predicted that Clemson would win, 27 to 24. Jim Clements said:

Seriously if we play like we did last week then we win! I believe it will happen!! 35–31. Go Tigers.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEE. Madam President, I rise today to give voice to some of my fellow Utahns, including a few of my fellow Utahns who are suffering because of the health care law passed by this body nearly 7 years ago. These are not stories from wealthy Utahns who have simply had to pay higher taxes, nor are these stories from low-income Utahns who already have insurance through Medicaid.

These are letters from the too often invisible victims of ObamaCare—those middle-class families who used to be able to afford health care when they needed it but are now forced to pay for it and to pay for what amounts to, in some cases, one of their largest payments or even their largest payment they make each month for a so-called insurance plan that never seems to pay out because of high deductibles.

Jenica from Davis County, UT, writes as follows:

I am an ordinary mother raising my kids and striving to live within my means. For the first time, my family is facing a year with no health insurance. Our gross income falls a few hundred dollars per month too high for us to receive help through CHIP or UPP programs, but we cannot afford to purchase health insurance through my husband's work or through the Marketplace. After this year's premium increases, the most inexpensive plan offered to us on the Marketplace is a full quarter of our gross income per month (before taxes), and if we put that into our budget we will not be able to save any money to pay deductibles as healthcare needs arise.

We face the same problem with my husband's work insurance; it would be even more expensive, and we cannot wisely budget a quarter or more of our income toward health insurance premiums.

I know this problem is not limited to my family, and I want you to be aware of those of us who are falling in the gap this year. We earn barely too much to receive any assistance, but not enough to actually pay for insurance premiums. It seems the wisest course for us is to withdraw from insurance and save our money to pay for medical expenses in cash, as well as saving to pay the fine on our taxes next year.

It is a decision I do not make lightly, as I know that the insurance companies need more people, not less, to participate to make the system work. However, my family cannot afford to participate this year.

I know you will represent us well and take our needs into consideration as you work with the other members of Congress to make our country's healthcare system work for all of us. Thank you for serving our state and our country. May God bless you in your efforts.

May God bless you, Jenica. May God bless you for having the courage to write these things down and to share them with your fellow Utahns and your fellow Americans.

I promised Jenica that I will do everything I can, everything within my power, to make sure that you and families like yours are not forgotten when we repeal this law and replace it.

Trevor from St. George, UT, had a similar story. He writes:

I recently got a new job and I'm trying to get healthcare. None of the 3 plans my employer offers are affordable to me, even though the government claims they are. Even if I were to buy the cheapest plan, I would never be able to use it because of the high deductibles.

I do not qualify for Medicaid, and earn \$1,000 per year too much to qualify for subsidies.

In a nutshell, I can't afford to buy insurance from anywhere, and by not buying it, I can't afford the penalty levied by the federal government. What is someone in my position supposed to do?

The ACA is not helping the very people it was designed to help and is in fact throwing

a terrible burden upon me and my family. We need a new healthcare system. This one is not working. Please share my story so that others will be aware that people in my position (and there are many of us) are struggling.

I will share your story, Trevor, and soon we will be one step closer to a new type of system, a system that will put patients and doctors back in charge of health care decisions rather than having those decisions made by government bureaucrats in Washington.

The last letter I would like to share today comes from Washington County, UT. Ron from Washington County writes as follows:

Today I received a letter from my health insurance carrier indicating that the premium for me and my two kids—yes, only three people—is increasing from \$1,020 per month to \$1,706 per month, an increase of slightly over \$8,200 per year. My annual income for 2017 will not be increasing, let alone to cover eight grand.

Later this afternoon, I am contacting my travel agency (a local small business) and asking Judy to cease her research into my family vacation for the summer of 2017. Why would I cancel my vacation and also take away revenue from a local small business? The answer is "67.26%." That is the percentage increase for my health care insurance.

I need you to see that this is real. It greatly and negatively impacts my family and it subsequently impacts local businesses as more of my money is drained from the economy. I make roughly \$60,000 per year. My medical premium is now one third of my gross income! Plus, I still have to pay out deductibles and copays.

Even the bronze programs, which are worthless, are designed to bankrupt a family and end up costing more in the long-run, have exceeded the cost of the mortgage I took out on my St. George home in 2014. More than my mortgage! Repeat more than my mortgage. That should send shivers down anyone's spine.

One of the most important aspects of America's middle class is the ability for a family to purchase a home. Now that insurance premiums have exceeded the mortgage payment of a median priced home in the US, I suspect that the dream is now slipping out of the hands of many Americans.

Ron, you are absolutely right. Thanks to ObamaCare, the American dream is now slipping out of reach for far too many families throughout the State of Utah and throughout the entire country. These are not just the stories of a few isolated Utahns. These are not just stories from a few statistical outliers. There are fewer affordable options for Utahns throughout the State.

In 20 out of Utah's 29 counties, Utahns can only choose a health plan from one insurance company. They have just one company to choose from, and the options available are not always as robust as they should be. Within those options that they have, the costs have risen far too much each year. For 2017 plans, insurance rates across Utah increased at least 30 percent, on average. This is after multiple years of substantial premium increases in the other years leading up to this.

Fortunately, help is on the way. Thanks to President-Elect Donald

Trump's victory this November—and thanks to the outcome of House and Senate races throughout the country—we now have the opportunity to uproot this ill-conceived health care law, root and branch.

The old system, to be clear, is far from perfect. After we repeal ObamaCare, we still have much work to do unbundling health care from employer-provided health insurance so doctors, nurses, patients, and innovators can do the work of bringing down prices and increasing quality. That is what happens when we allow the free market to operate. We get competition. When people compete, two things happen that are important for consumers: Prices go down and quality goes up.

That is what the American people have come to expect and basically every other sector of our economy. Sadly, we have seen the opposite become true with respect to our health care system under ObamaCare because we have restricted free market forces, and we have impeded competition. As a result, prices have gone up and quality, in some cases, has gone tragically down.

Step one involves repealing this health care law. Trevor, Jenica, and Ron, I want you to know that I hear you. I hear you and I hear all Utahns who have contacted me to share their experiences with this health care law. My colleagues in the Senate have heard you too. We will repeal this health care law and we will bring reform and competition to our Nation's currently broken health care system.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. DAINES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GARDNER). Without objection, it is so ordered.

Mr. DAINES. Mr. President, today is the day when we will begin to repeal and replace ObamaCare. Repealing and replacing this disastrous law is one of the top jobs that citizens elected us to get done. In many ways, it is why Donald J. Trump will be sworn in next week as the 45th President of the United States.

I think what is most helpful is to recap why repealing ObamaCare is so important to so many American families. Montanans were promised that with this bill you could keep the health plans that you liked. That was wrong and millions of Americans lost their plans.

Montanans were assured that coverage under ObamaCare would be affordable. For millions of Americans, for thousands of Montanans, nothing could be further from the truth. Montanans were guaranteed that ObamaCare would lower health care

costs. We witnessed premiums skyrocket since ObamaCare's implementation.

Finally, Montanans were assured that ObamaCare would create more competition in the marketplace, but now Americans in one-third—one-third—of the counties across our entire country have but one plan to choose from. Let's not forget, supporters of ObamaCare paid for these failed programs by raiding Medicare of over \$700 billion. Seniors and people with disabilities in Montana and across our country deserve much better.

Over the past several years, I have heard from countless Montanans about how ObamaCare has failed them. Take, for example, Terry from Choteau, MT, who wrote:

We just got a letter from Pacific Source that our premium is going up \$260 per month and our deductible is going up to \$1000. This is \$1025 per month and a \$7500 deductible for 2 healthy adults [with] (no preexisting conditions). For a ranch family this is a huge hit, especially in these times with low commodity prices. Something needs to change.

Jeff from Kalispell, MT, said this:

I am married with 5 children. I live in Kalispell. I bought Blue Cross Blue Shield of MT PPO Gold insurance plan #104 for the 2016 year. My premium was \$1,477.28 per month. In early November 2016 [2 months ago] I received notice that my same plan would increase to \$2,820.00 per month. That is a 91% increase. . . . If keeping the same rate hikes, my insurance will be \$5,500 in 2018, then \$10,000 per month in 2019.

That was from Jeff in Kalispell, MT.

I have Anthony from Bozeman. That is my hometown. I went to college in Bozeman. A fellow Bozemanite writes this to me. He says:

I have never been able to afford Obamacare insurance. With quotes of over \$400 a month for a single healthy male I found it easier to pay the penalty. So now not only can I not afford to have medical insurance but I am getting fined for not making enough money to pay all of my bills and give a 20% tithe to the medical insurance industry.

Here is another Bozemanite, Kenneth. He writes this:

For 2014 we had med insurance from Pacific Source for my wife which was adequate and filled our needs. For 2015 Pacific Source canceled that policy, citing Obamacare rules, and best alternative was 150 percent more expensive.

We did it for 6 months and then canceled; it just took too much from our budget. The IRS fined us \$584 for missing insurance for 6 months. We are doing without coverage for 2016 again because of the outrageous costs for this high-deductible policy. Our IRS fine will probably be about \$1500.

The list and the heartfelt stories go on. They all share one common theme: ObamaCare is not working. This ObamaCare hardship did not just impact Terry, Jeff, Anthony or Kenneth. Montanans, on average, face premium increases between 27 and 58 percent just this last year. This is year-over-year numbers.

Last evening, I had a telephone tele-townhall meeting where thousands of Montanans joined me, thousands across the entire State. Every corner of our State was on the call last night. I

asked a simple question. I asked: How many of you would want to repeal ObamaCare? An overwhelming 82 percent said they support the repeal of ObamaCare.

The reason why is quite simple. They did not get what was promised to them on this very floor of this Chamber back in 2010. ObamaCare is failing because it is a massive intrusion by the Federal Government. It is centered on raising taxes, huge spending increases, and heavy regulations from Washington, DC. It is straight from the Big Government, Washington-knows-best playbook, and that is what happens when Congress doesn't listen to the American people.

You know, Montanans have very good horse sense. They know when somebody from Washington, DC, shows up and says: We have this 2,700-page bill from Washington, DC, led by NANCY PELOSI, Harry Reid, and President Obama—Montanans know better. They know they should run for cover.

And that is exactly what ObamaCare is and what is happening now to the American people.

ObamaCare can't be tweaked. It has to be repealed. It needs to be replaced with better reforms. And we need to make sure that we do as much as we can as soon as we can so folks aren't having to deal with ObamaCare for much longer. People are hurting. It is time to replace it.

I urge my Democratic colleagues to work with us. Don't use scare tactics.

Unlike 2009, we are focused on a path forward that conveys practical benefits, not hopeless ideology. I ask them to accept the reality that ObamaCare is irreversibly flawed, it must be repealed, and it must be replaced with effective policies.

I know there are comments out there about a plan and what is next. Well, for me, it is not that complicated. It is getting the costs down. You have heard the stories. The American people are asking for relief.

For the generation of Americans just now entering the workforce—and that would be my kids; they are just entering the workforce—health care costs have increased by 77 percent. This is outrageous. It is unacceptable. These are supposed to be the easiest people to insure, yet ObamaCare seems intent on placing health care out of their reach.

I believe there are policies that are fundamental to any health care system, and it will be working and fighting for provisions that provide access to affordable insurance, that protect people with preexisting conditions, that allow young adults to stay on their parents' coverage until age 26, that return decisionmaking authority back to the States, that will eliminate these harmful Washington regulations and mandates, that will empower the American people with greater access to health savings accounts.

That was part of the health care system that was actually working pre-ObamaCare, and ObamaCare moved in

and slashed health care savings accounts.

We need to make it easier to purchase health insurance across State lines, encourage and incentivize work among able-bodied Americans, and uphold fiscal responsibility by preserving and protecting Medicare for our seniors.

I very much look forward to working with the nominee for the U.S. Department of Health and Human Services, Dr. TOM PRICE. I served with Dr. PRICE in the House. There is not a better leader at this point in time in our Nation's history to assume the leadership of the Department of Health and Human Services. He is a doctor, has served in Congress, and will be able and ready to lead from day one.

We will work together to find the best solutions, Montana solutions, solutions that work for our respective States, for people like Terry, for Jeff, for Anthony, for Kenneth, and for the thousands of other Montanans who have been harmed by this law.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LEE). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I wish to speak briefly and pointedly about the budget resolution before us which will, at some late hour, culminate in a final vote. Whether that vote is tonight or in the dark hours of early morning, with it, Republicans are taking their first step into a box canyon.

Now, I hear my Republican colleagues talking more and more about doing repeal and replace together, but let me be very clear. This budget resolution is not repeal and replace. It is one thing and one thing only: the first step of repealing the Affordable Care Act, ripping health care away from tens of millions of Americans, and throwing our health care system into chaos. It will, as many have repeated across the land over the last few weeks, make America sick again.

Over the past few weeks, this fact has made some of my more thoughtful colleagues nervous. I understand that. I would be nervous if I were them too. My friends, the Senators from Maine, Arkansas, Tennessee, and Kentucky, have all quite forcefully voiced their concern with repealing health care reform without a scrap of a plan of what to do next.

Now the President-elect has tweeted that they should do repeal and replace at the same time. Today he said Republicans would repeal and replace the law essentially simultaneously, but that is not what this budget resolution would do.

We are here because the Republicans are flummoxed. It is a bit like an

Abbot and Costello show. Republicans in Congress and the President-elect are pointing at each other, waiting for the other one to come up with the plan—"You do it. No, you do it"—because no one can come up with a repeal plan that keeps the benefits of ACA.

This confusion of the Republicans makes sense because the Republicans are in a pickle and driving into that box canyon. They promised every conservative group and audience in the country for the past 8 years that they would repeal health care reform "root and branch," but actually it is only their base that wants repeal. Most Americans want us to keep the law and work to improve it.

In a recent Politico/Morning Consult poll, only 28 percent of Americans support repealing the law if there is no current plan for replacing it—less than one-third. This is the Republican base.

Two-thirds of Americans support the provisions that prevent insurance companies from denying coverage to patients with preexisting conditions, 63 percent support letting kids stay on their parents' plan until they are 26, and there are similar numbers on the other major benefits of health care reform. Those are the key features. Those aren't extraneous. Those are the heart and soul of the Affordable Care Act. The Republicans are in a pickle. They cannot please their base and the broader public at the same time so President-Elect Trump says to Congress: You come up with replace.

The Congress says to the President: You come up with replace.

Abbot and Costello.

No replace. We haven't seen one yet, and it has been 6 years.

From a policy perspective, our Republican friends can't repeal a law and keep in place the provisions that are overwhelmingly popular with the majority of Americans. That is why they are in such a pickle.

The Affordable Care Act is not despised by the American people, only the hard right of the Republican base, which is fervently anti-government. It is an ideology. It doesn't matter how much ACA helps people. If the government did it, we don't want it. They oppose health care because they oppose everything that government does. They oppose Medicare, Medicaid, even Social Security.

If Republicans go forward with this plan, they may mollify their base—the base will stop complaining—but they will ostracize and hurt the American people and ultimately lose in the court of public opinion.

There is a much more responsible course of action that I urge my friends on the other side of the aisle to consider: abandon repeal.

We Democrats are willing to work with our Republican colleagues on improving the existing law. We will even look at a comprehensive replacement plan if they can come up with it. We don't care about credit. You can call it McConnellCare or RepubliCare or

RyanCare or TrumpCare. It doesn't matter so long as it covers as many people as the ACA, so long as it helps bring health care costs down, and so long as it doesn't move our health care system backward.

We haven't seen one so far. I am skeptical that we ever will, but we will look at one if they can come up with it. Unfortunately, that is not the road we are on. The vote tonight is the first step on the road to repeal, which leads straight into that box canyon.

I just want to sincerely urge my Republican colleagues, especially those who have rightly expressed concern about the very serious consequences of repealing without replacement: Vote against this resolution. Put this irresponsible and rushed repeal plan aside. Work with us Democrats on a way to improve health care in America, not set it back 8 years. Don't make America sick again. Don't put chaos in place of affordable care, which is what you will do if you follow through on this resolution.

The consequences of throwing our system into chaos, which the Republican plan will do, are enormous: denying 30 million Americans health coverage, blowing a \$1 trillion hole in our deficit, depriving the college graduate from staying on their parent's plan, preventing women from getting fair treatment, and telling the family whose daughter has a preexisting condition that they can't get coverage, and they will have to watch her get sicker.

That—all of that—falls entirely on the shoulders of my Republican colleagues. I think that is a scenario we all would like to avoid. So turn back before it is too late because you will regret going forward.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. Mr. President, tonight is an important night because it allows what is very rare here in the Senate—for Members of the body to bring forth amendments and ideas that are very important to them, and that, unfortunately, don't often get debated or voted upon here on the floor.

I know I speak for virtually all Democrats in saying that we have deep concern about the Republican proposal that would repeal the Affordable Care Act without having any alternative plan in place. We think the idea of throwing some 30 million Americans off of the health insurance they have and significantly reducing funding for Medicaid will not only be very, very problematic for lower income people but also impact middle-class people

who depend upon Medicaid to help pay for the nursing home care their parents get. We are deeply concerned about the possible privatization of Medicare, making Medicare into a voucher program. We are concerned about the increase in prescription drug costs for seniors that would occur. If the Affordable Care Act were repealed, seniors would have to pay far more than they are paying right now, at a time when many seniors cannot today afford the high cost of prescription drugs. What we find is outrageous is that, in the midst of all these attacks on the middle class and working families of this country, the Republican repeal of the Affordable Care Act would end up providing hundreds and hundreds of billions of dollars in tax breaks for the top 2 percent. I believe there are very few people in America who think we should devastate the health care programs that millions of Americans depend upon and at the same time give huge tax breaks to the very, very wealthy.

Tonight we are going to hear a number of Senators on the Democratic side come down to the floor and offer very, very important amendments which I hope can receive bipartisan support.

We are going to hear Senator MANCHIN talk about the need to protect rural health. As a Senator from a rural State, I understand very clearly that if the Affordable Care Act is repealed, it will be devastating to rural hospitals all across this country.

Senator NELSON is going to talk about the high cost of prescription drugs and what the repeal of the Affordable Care Act would mean in raising prescription drug prices. Senator BALDWIN will be talking about the need to make sure that, as is currently the case, young people 26 years of age or younger can continue to stay on their parents' health insurance. Senator TESTER is going to be offering an amendment which will oppose limiting veterans' ability to choose.

I will be offering an amendment making certain the people in our country do not have to pay more for medicine than the people in Canada and in other countries. Senator CASEY is concerned about protecting individuals with disabilities and chronic conditions. Senator KING is concerned about protecting health insurance for people, many of whom are working in very dangerous occupations.

Senator MENENDEZ is concerned about protecting Medicaid expansion. Millions of Americans have received health care, in some cases for the first time in their lives because we were able to expand Medicaid.

Senator GILLIBRAND is concerned about protecting women's health. The Affordable Care Act has gone a long way in terms of equity for women, in terms of the health care they receive, and I hope nobody wants to see that disappear.



Senator MANCHIN will address a very important issue about the opiate epidemic that exists in West Virginia and all across this country.

Senator STABENOW will be speaking about the need to protect mental health services. We have a major crisis in mental health care in this country. We need to do a lot more than we are currently doing, and we certainly do not need to do less.

Senators CANTWELL and CARPER will be talking about the need to protect delivery system reform. Senator BROWN will be talking about the need to protect the Children's Health Insurance Program. Senator COONS will be talking about the need to make sure there are no limits on the health insurance people with serious illnesses receive.

So there are a lot of very, very important amendments that will be offered, and I look forward to an interesting evening of discussion.

I would just conclude my remarks to say that I find it beyond comprehension that at a time when we are the only major country on Earth not to guarantee health care to all of our people—we are the only one—that at a time when we pay significantly more per capita for health care than do the people of any other nation, that at a time when we pay by far the highest prices in the world for prescription drugs—what we need is to have a health care system that protects the needs of the middle class and working families of our country, not just the insurance companies and not just the drug companies. In fact, the votes tonight are really about whether we are prepared to stand up for ordinary Americans or whether we are going to continue to kowtow to the insurance industry and the pharmaceutical industry.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, while we are waiting for the unanimous consent agreement that will kick off the evening, I feel compelled to make a couple of comments.

I don't want people to be confused as the evening goes on. This is not the bill that repeals ObamaCare. This is the bill that sets up the process that will repeal ObamaCare. This is a preliminary step that is necessary in order to do what everybody is claiming will be done tonight, and that is not accurate.

So we will hear a bunch of things that people are concerned about, but this bill in it has budget numbers. The budget numbers reflect where we are—not where we would like to be and not where we have been. They are just the numbers of where we are. Then, in the resolution, there is a requirement that the Finance Committee save \$1 billion, and the Health, Education, Labor, and Pensions Committee save \$1 billion, and they get to do that with some privileged legislation, as long as we keep it privileged. There will be a number of

attempts tonight to see if they can get rid of the privilege by using corrosive or nongermane amendments. Consequently, we will have to vote down some of those amendments. It might sound logical, and it is because they are not in the bill.

I guess we are still waiting for the unanimous consent agreement so at this point I will yield the floor.

The PRESIDING OFFICER (Mr. TILLIS). The Senator from Wyoming.

Mr. ENZI. Mr. President, for some additional information of what is happening, we are organizing lists of what tranche the votes will be in. Just because they are not listed in this first group, doesn't mean they are not going to be considered. In fact, under a budget resolution, we have what is called a vote-arama. Actually, any amendment can be turned in until we finish voting. Unlike other activity that we usually have where we know what votes there will be well in advance, this is a special exercise and it is handled a little differently and it is a lot more confusing.

We will begin in a while. We will begin processing these amendments one at a time. For debate, just so people know for sure which amendment we are on, the proponent for the amendment will get 1 minute and the opponent for that amendment will get 1 minute. At the end of those 2 minutes, we will vote. The first vote is supposed to take 15 minutes. The Senate is seldom held to 15 minutes. After that, we often go to 10-minute votes, which in the Senate usually only takes about 30 minutes.

That is the way we do it here. We make sure everybody gets their chance to vote. We hope people will be around so they can get here punctually and cast their vote. We think the amount of time from 10 minutes can be reduced if people are interested in reducing the amount of time to do them.

I got the signal that we now have the final list.

Mr. President, I ask unanimous consent that it be in order to call up the following amendments and have them reported en bloc: Manchin, No. 64; Nelson, No. 13; Baldwin, No. 81; Tester, No. 104; Klobuchar, No. 172; Casey, No. 61; King, No. 60; Menendez, No. 83; Gillibrand, No. 82; Manchin, No. 63; and Stabenow, No. 94.

You will see, in spite of that listing, we are going to have some additional consent needed here.

I ask unanimous consent that those be on the list for now.

I further ask unanimous consent that at 6:15 p.m., all time be yielded back and the Senate vote on the amendments in the order listed, except for the following amendments, which will be voted on first: Nelson, No. 13; King, No. 60; a Barrasso side-by-side amendment, the text of which is at the desk; Manchin, No. 64; that there be no second-degree amendments in order to these four amendments prior to the votes; finally, that there be 2 minutes, equally divided between the managers

or their designees, prior to each vote and that all votes after the first in this series be 10 minutes in length.

The PRESIDING OFFICER. Is there objection?

Mr. SANDERS. Reserving the right to object—and I will not object—I have one mild correction.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Amendment No. 172 is Klobuchar-Sanders.

Mr. ENZI. Klobuchar, No. 172?

Mr. SANDERS. Yes. Klobuchar-Sanders. I know that because I am SANDERS.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENTS NOS. 64, 13, 81, 104, 172, 61, 60, 83, 82, 63, AND 94 EN BLOC

Mr. SANDERS. Mr. President, I ask that the amendments be called up as under the previous order.

The PRESIDING OFFICER. The clerk will report the amendments en bloc.

The bill clerk read as follows:

The Senator from Vermont [Mr. SANDERS], for others, proposes amendments numbered 64, 13, 81, 104, 172, 61, 60, 83, 82, 63, and 94 en bloc.

The amendments are as follows:

#### AMENDMENT NO. 64

(Purpose: To create a point of order against legislation that would harm rural hospitals and health care providers)

At the end of title IV, add the following:

**SEC. 4. POINT OF ORDER AGAINST LEGISLATION THAT WOULD FINANCIALLY HARM RURAL HOSPITALS AND HEALTH CARE PROVIDERS BY REDUCING THE NUMBER OF PEOPLE IN RURAL COMMUNITIES WITH ACCESS TO HEALTH INSURANCE.**

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report if the Congressional Budget Office has determined that it would—

(1) cause an increase in the rate of uninsured individuals and families in rural communities by an amount sufficient to substantially weaken the financial viability of rural hospitals (including small hospitals), clinics (including community health centers), or other health care providers; or

(2) reduce Federal funds upon which rural hospitals and community health centers rely.

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

#### AMENDMENT NO. 13

(Purpose: To create a point of order against legislation that would repeal health reforms that closed the prescription drug coverage gap under Medicare)

At the end of title IV, add the following:

**SEC. 4. POINT OF ORDER AGAINST LEGISLATION THAT WOULD REPEAL THE HEALTH REFORMS THAT CLOSED THE PRESCRIPTION DRUG COVERAGE GAP UNDER MEDICARE.**

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment,

amendment between the Houses, or conference report that would repeal health reform legislation that closed the coverage gap in the Medicare prescription drug program under part D of title XVIII of the Social Security Act (42 U.S.C. 1395w–101 et seq.).

(b) **WAIVER AND APPEAL.**—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

#### AMENDMENT NO. 81

(Purpose: To create a point of order against legislation that makes young people sick again)

At the end of title IV, add the following:

#### **SEC. 4. DON'T MAKE YOUNG PEOPLE SICK AGAIN.**

(a) **POINT OF ORDER.**—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would make young people sick again.

(b) **LEGISLATION THAT MAKES YOUNG PEOPLE SICK AGAIN.**—For the purposes of subsection (a), the term “would make young people sick again” with respect to legislation refers to any provision of a bill, joint resolution, motion, amendment, amendment between the Houses, or conference report, that would—

(1) reduce the number of young Americans enrolled in public or private health insurance coverage, as determined based on the March 2016 updated baseline budget projections by the Congressional Budget Office;

(2) weaken dependent coverage of children to continue until the child turns 26 years of age as afforded to them under Patient Protection and Affordable Care Act (Public Law 111-148);

(3) weaken access to care by increasing premiums or total out of pocket costs for young Americans with private insurance.

(c) **WAIVER AND APPEAL.**—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

#### AMENDMENT NO. 104

(Purpose: To create a point of order against legislation that would limit veterans' ability to choose VA health care)

At the end of title IV, add the following:

#### **SEC. 4. POINT OF ORDER AGAINST LEGISLATION THAT WOULD WEAKEN THE ABILITY OF THE DEPARTMENT OF VETERANS AFFAIRS TO DIRECTLY FURNISH HEALTH CARE TO VETERANS.**

It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that authorizes funding for non-Department of Veterans Affairs-provided care, funded by the Department of Veterans Affairs, which would reduce the availability of services directly provided by the Department of Veterans Affairs, including primary health care, mental health care, rural health care, and prosthetic care.

#### AMENDMENT NO. 172

(Purpose: To establish a deficit-neutral reserve fund relating to lowering prescription drug prices for Americans by importing drugs from Canada and other countries)

At the end of title III, add the following:

#### **SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO LOWERING PRESCRIPTION DRUG PRICES FOR AMERICANS BY IMPORTING DRUGS FROM CANADA AND OTHER COUNTRIES.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to lowering prescription drug prices, including through the importation of safe and affordable prescription drugs by American pharmacists, wholesalers, and individuals with a valid prescription from a provider licensed to practice in the United States, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

#### AMENDMENT NO. 61

(Purpose: To create a point of order against legislation that would make people with disabilities and chronic conditions sick again)

At the end of title IV, add the following:

#### **SEC. 4. POINT OF ORDER AGAINST LEGISLATION THAT WOULD MAKE PEOPLE WITH DISABILITIES AND CHRONIC CONDITIONS SICK AGAIN.**

(a) **POINT OF ORDER.**—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would—

(1) limit, reduce, or eliminate access to care for anyone with a pre-existing condition, such as a disability or chronic condition, as provided under section 2704 of the Public Health Service Act (42 U.S.C. 300gg–3), as amended by the Patient Protection and Affordable Care Act (Public Law 111-148);

(2) place a lifetime or annual cap on health insurance coverage for an individual with a disability or a chronic condition, as provided under section 2711 of the Public Health Service Act (42 U.S.C. 300gg–11), as amended by the Patient Protection and Affordable Care Act; or

(3) allow a health plan or a provider to discriminate on the basis of an applicant's physical health, mental health, or disability status to increase the cost of care, provide for fewer benefits, or in any way decrease access to health care as afforded under title I of the Patient Protection and Affordable Care Act.

(b) **WAIVER AND APPEAL.**—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

#### AMENDMENT NO. 60

(Purpose: To create a point of order against legislation that would reduce health insurance access and affordability for individuals based on their occupation)

At the end of title IV, add the following:

#### **SEC. 4. POINT OF ORDER AGAINST LEGISLATION THAT WOULD REDUCE HEALTH INSURANCE ACCESS AND AFFORDABILITY FOR INDIVIDUALS BASED ON THEIR OCCUPATION.**

(a) **POINT OF ORDER.**—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would reduce health insurance access and affordability for individ-

uals based on their occupation, unless legislation is enacted to provide comparable benefits and protections for such individuals.

(b) **WAIVER AND APPEAL.**—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

#### AMENDMENT NO. 83

(Purpose: To create a point of order against legislation that would eliminate or reduce Federal funding to States under the Medicaid expansion)

At the end of title IV, add the following:

#### **SEC. 4. POINT OF ORDER AGAINST ELIMINATING OR REDUCING FEDERAL FUNDING TO STATES UNDER THE MEDICAID EXPANSION.**

(a) **POINT OF ORDER.**—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would eliminate or reduce funding to States available under law in effect on the date of the adoption of this section to provide comprehensive, affordable health care to low-income Americans by eliminating or reducing the availability of Federal financial assistance to States available under section 1905(y)(1) or 1905(z)(2) of the Social Security Act (42 U.S.C. 1396d(y)(1), 1396d(z)(2)) or other means, unless the Director of the Congressional Budget Office certifies that the legislation would not—

(1) increase the number of uninsured Americans;

(2) decrease Medicaid enrollment in States that have opted to expand eligibility for medical assistance under that program for low-income, non-elderly individuals under the eligibility option established by the Affordable Care Act under section 1902(a)(10)(A)(i)(VIII) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)(VIII));

(3) reduce the likelihood that any State that, as of the date of the adoption of this section, has not opted to expand Medicaid under the eligibility option established by the Affordable Care Act under section 1902(a)(10)(A)(i)(VIII) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)(VIII)) would opt to use that eligibility option to expand eligibility for medical assistance under that program for low-income, non-elderly individuals; and

(4) increase the State share of Medicaid spending under that eligibility option.

(b) **WAIVER AND APPEAL.**—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

#### AMENDMENT NO. 82

(Purpose: To create a point of order against legislation that makes women sick again)

At the end of title IV, add the following:

#### **SEC. 4. DON'T MAKE WOMEN SICK AGAIN.**

(a) **POINT OF ORDER.**—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that makes women sick again by eliminating or reducing access to women's health care, including decreases in access to, or coverage of, reproductive health care services including contraceptive counseling, birth control, and maternity care, and primary and preventive health care as

afforded to them under the Patient Protection and Affordable Care Act (Public Law 111-148).

(b) **LEGISLATION THAT MAKES WOMEN SICK AGAIN.**—For the purposes of subsection (a), the term “makes women sick again” with respect to legislation refers to any provision of a bill, joint resolution, motion, amendment, amendment between the Houses, or conference report, that would—

(1) allow insurance companies to discriminate against women by—

(A) charging women higher premiums for health care based on their gender;

(B) allowing pregnancy to be used as a pre-existing condition by which to deny women coverage;

(C) permitting discrimination against providers who provide reproductive health care benefits or services to women; or

(D) otherwise discriminating against women based on their gender;

(2) reduce the number of women enrolled in health insurance coverage, as certified by the Congressional Budget Office; or

(3) eliminate, or reduce the scope or scale of, the benefits women would have received pursuant to the requirements under title I of the Patient Protection and Affordable Care Act (Public Law 111-148) and the amendments made to that title.

(c) **WAIVER AND APPEAL.**—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

#### AMENDMENT NO. 63

(Purpose: To create a point of order against legislation that would reduce access to substance use disorder treatment and worsen the opioid abuse epidemic)

At the end of title IV, add the following:

#### **SEC. 4. POINT OF ORDER AGAINST LEGISLATION THAT WOULD REDUCE ACCESS TO SUBSTANCE USE DISORDER PREVENTION, TREATMENT, AND RECOVERY SERVICES AND WORSEN THE OPIOID EPIDEMIC.**

(a) **POINT OF ORDER.**—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would reduce the expansion of access to substance use disorder prevention, treatment, and recovery services established through the expansion of the Medicaid program under section XIX of the Social Security Act (42 U.S.C. 1396 et seq.) and the consumer protections in the health insurance market, including protections for individuals with pre-existing conditions, the establishment of mental health and substance use disorder services as essential health benefits, the requirement that preventive services such as substance use disorder screenings be covered without cost-sharing at the point of service, and the expansion of mental health parity and addiction equity law to cover health plans in the individual market, and in so doing, worsen the opioid epidemic.

(b) **WAIVER AND APPEAL.**—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

#### AMENDMENT NO. 94

(Purpose: To create a point of order against legislation that would reduce or eliminate access to mental health care)

At the end of title IV, add the following:

#### **SEC. 4. POINT OF ORDER AGAINST REDUCING OR ELIMINATING ACCESS TO MENTAL HEALTH CARE.**

(a) **POINT OF ORDER.**—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that the Director of the Congressional Budget Office determines would reduce access to mental health care and services or reduce the number of individuals with mental illness enrolled in insurance coverage, relative to the Congressional Budget Office's March 2016 updated baseline, by means such as—

(1) eliminating or reducing Federal financial assistance currently available to States under section 1905(y)(1) or 1905(z)(2) of the Social Security Act (42 U.S.C. 1396d(y)(1), 1396d(z)(2)) or otherwise eliminating or reducing mental health protections established by the Affordable Care Act, including the addition of mental health services to the list of services covered under section 1937(b)(5) of the Social Security Act (42 U.S.C. 1396u-7(b)(5)); or

(2) reducing the affordability of coverage established by the Affordable Care Act's consumer protections, including—

(A) the expansion of mental health parity and addiction equity law to individual health insurance coverage;

(B) the prohibition on discriminating against enrollees with pre-existing conditions such as mental illness;

(C) coverage of preventive services like depression screenings without cost-sharing; and

(D) the establishment of mental health services as an essential health benefit.

(b) **WAIVER AND APPEAL.**—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

The PRESIDING OFFICER. The Senator from Wyoming.

#### AMENDMENT NO. 173

Mr. ENZI. Mr. President, I call up amendment No. 173 and ask unanimous consent that it be reported by number.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment by number.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI], for Mr. BARRASSO, proposes an amendment numbered 173.

The amendment is as follows:

(Purpose: To establish a deficit-neutral reserve fund relating to rural health and repealing and replacing Obamacare)

At the end of title III, add the following:

#### **SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO RURAL HEALTH AND REPEALING AND REPLACING OBAMACARE.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports

relating to strengthening Social Security and repealing and replacing Obamacare, which may include step-by-step reforms providing access to quality, affordable coverage for all Americans, maintaining access to critical rural health care services, and safeguarding consumer protections, without raising new revenue, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

Mr. ENZI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 13

There is now 2 minutes of debate on Nelson amendment No. 13.

The Senator from Florida.

Mr. NELSON. Ladies and gentlemen of the Senate, if you really want to rile up the senior citizens of this country, then you start taking away their prescription drugs. If that is what you want to do, then you better vote against my amendment. If you take away the ACA, they are going to end up paying \$1,000 per year, out of pocket per senior citizen, on their prescription drug benefits. So if you want to support the seniors, you better support this amendment.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, this amendment is corrosive to the privilege of the budget resolution. That means that it is outside the scope of what is appropriate for this budget resolution. Any inappropriate amendment could be fatal to the privilege of this resolution, which would destroy our efforts to repeal ObamaCare. In other words, a vote in favor of this amendment is a vote against repealing ObamaCare.

In addition, this amendment is not germane to this budget resolution. This budget resolution is much more focused than a typical budget resolution. The Congressional Budget Act requires that amendments to a budget resolution be germane. Since this amendment does not meet that standard required by budget law, a point of order would lie; as such, I raise a point of order under section 305(b)(2) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive section 305(b) of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to waive.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 47, nays 51, as follows:

[Rollcall Vote No. 7 Leg.]

#### YEAS—47

Baldwin	Harris	Nelson
Bennet	Hassan	Peters
Blumenthal	Heinrich	Reed
Booker	Heitkamp	Sanders
Brown	Hirono	Schatz
Cantwell	Kaine	Schumer
Cardin	King	Shaheen
Carper	Klobuchar	Stabenow
Casey	Leahy	Tester
Coons	Manchin	Udall
Cortez Masto	Markey	Van Hollen
Donnelly	McCaskey	Warner
Duckworth	Menendez	Warren
Durbin	Merkley	Whitehouse
Franken	Murphy	Wyden
Gillibrand	Murray	

#### NAYS—49

Alexander	Fischer	Murkowski
Barrasso	Flake	Paul
Blunt	Gardner	Perdue
Boozman	Graham	Portman
Burr	Grassley	Risch
Capito	Hatch	Roberts
Cassidy	Heller	Rounds
Cochran	Hoeven	Rubio
Collins	Inhofe	Sasse
Corker	Isakson	Scott
Cornyn	Johnson	Shelby
Cotton	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	McCain	Toomey
Enzi	McConnell	Wicker
Ernst	Moran	Young

#### NOT VOTING—2

Feinstein Sessions

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 51.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

#### AMENDMENT NO. 60

There is now 2 minutes of debate prior to a vote on King amendment No. 60.

The Senator from Maine.

Mr. KING. Mr. President, I call this the Protect Workers in Rural America amendment. One of the lesser known provisions of the Affordable Care Act is that it doesn't allow insurance companies to discriminate against people because of their occupations.

Before the Affordable Care Act, if you were a logger or a farmer, a fisherman, a miner, you could get exorbitant rates decided by some bureaucrat at an insurance company somewhere, and this is wrong.

So what I am trying to do is prohibit discrimination by occupation. We are trying to save an important part of this law. My distinguished chairman said this isn't germane. I don't see how

it cannot be germane since the stated purpose of this bill is to begin the process of repealing the Affordable Care Act.

I ask my colleagues to vote with me. This is protecting workers in rural America.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Wyoming.

Mr. ENZI. Mr. President, this amendment is outside of the scope of what is appropriate for this budget resolution. It is corrosive to the privilege of the budget. Any inappropriate amendment could be fatal to the privilege of this resolution, which would destroy our efforts to repeal ObamaCare. In other words, a vote in favor of this amendment is a vote against repealing ObamaCare.

In addition, this amendment is not germane to this budget resolution. This budget resolution is much more focused than a typical budget resolution.

The Congressional Budget Act requires that amendments to a budget resolution be germane. Since this amendment does not meet the standard required by law, a point of order would lie; as such, I raise a point of order under section 305(b)(2) of the Congressional Budget Act of 1974.

Mr. KING. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive section 305(b) of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to waive.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

The PRESIDING OFFICER (Mr. PERDUE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 48, nays 50, as follows:

[Rollcall Vote No. 8 Leg.]

#### YEAS—48

Baldwin	Gillibrand	Murray
Bennet	Harris	Nelson
Blumenthal	Hassan	Peters
Booker	Heinrich	Reed
Brown	Heitkamp	Sanders
Cantwell	Hirono	Schatz
Cardin	Kaine	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Stabenow
Collins	Leahy	Tester
Coons	Manchin	Udall
Cortez Masto	Markey	Van Hollen
Donnelly	McCaskey	Warner
Duckworth	Menendez	Warren
Durbin	Merkley	Whitehouse
Franken	Murphy	Wyden

#### NAYS—50

Alexander	Flake	Paul
Barrasso	Gardner	Perdue
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Capito	Heller	Rounds
Cassidy	Hoeven	Rubio
Cochran	Inhofe	Sasse
Corker	Isakson	Scott
Cornyn	Johnson	Shelby
Cotton	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	McCain	Toomey
Enzi	McConnell	Wicker
Ernst	Moran	Young
Fischer	Murkowski	

#### NOT VOTING—2

Feinstein Sessions

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 50.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

#### AMENDMENT NO. 173

There will now be 2 minutes of debate prior to the vote on Barrasso amendment No. 173.

The Senator from Wyoming.

Mr. BARRASSO. Mr. President, this is a side-by-side amendment to the Manchin amendment. As a doctor, I understand how ObamaCare has been a disaster for patients and for health care providers. Because of this law, Americans have been left with higher premiums and fewer choices. This budget is an important first step in giving Americans better and more affordable health care.

I am especially aware of the importance of helping folks in rural America, people who have been especially hard hit by the policies of the Obama administration. Since 2010, more than 70 rural hospitals have closed across the United States and Ezekiel Emanuel, who is the architect of Obamacare, wrote a book, and he said that 1,000 hospitals have to close in the United States. That is what he called for, 1,000. We are talking about rural hospitals all around this country.

So for people in small towns all across the Nation, the closures we have already experienced, these 70 closures, have had a devastating impact. My amendment says that Congress is ready to help all Americans but especially those living in rural America who have been hurt by ObamaCare.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I urge a strong "no" vote on the Barrasso amendment. The language calls for strengthening Social Security, but we all know what strengthening Social Security means. It means cutting Social Security. It means cutting Medicare. It means cutting Medicaid. We are into Orwellian language. "Strengthening" is not cutting programs, it is not throwing 20 million Americans off health insurance, it is not privatizing Medicare, it is not raising prescription drug costs for senior citizens. I urge a "no" vote on the Barrasso amendment.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I am rising because I oppose this amendment because this is not the way this body should work. The politics of the people spoke loud and clear. Politics is not going to be accepted. I have an amendment with a point of order, and this amendment was pushed in in front of this vote so it would be a Republican vote and not a Democratic, and I can tell you, I am sick and tired of it, and the people of America are too.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on the Barrasso amendment.

Mr. MANCHIN. Mr. President, I raise a point of order that the pending amendment is not germane to the underlying resolution and therefore violates section 305(b)(2) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget resolutions for purposes of amendment No. 173, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a second?

There is a sufficient second.

The question is on agreeing to the motion to waive.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 47, as follows:

[Rollcall Vote No. 9 Leg.]

#### YEAS—51

Alexander	Fischer	Murkowski
Barrasso	Flake	Paul
Blunt	Gardner	Perdue
Boozman	Graham	Portman
Burr	Grassley	Risch
Capito	Hatch	Roberts
Cassidy	Heller	Rounds
Cochran	Hoeven	Rubio
Collins	Inhofe	Sasse
Corker	Isakson	Scott
Cornyn	Johnson	Shelby
Cotton	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	McCain	Toomey
Enzi	McConnell	Wicker
Ernst	Moran	Young

#### NAYS—47

Baldwin	Coons	Heinrich
Bennet	Cortez Masto	Heitkamp
Blumenthal	Donnelly	Hirono
Booker	Duckworth	Kaine
Brown	Durbin	King
Cantwell	Franken	Klobuchar
Cardin	Gillibrand	Leahy
Carper	Harris	Manchin
Casey	Hassan	Markey

McCaskill	Reed	Udall
Menendez	Sanders	Van Hollen
Merkley	Schatz	Warner
Murphy	Schumer	Warren
Murray	Shaheen	Whitehouse
Nelson	Stabenow	Wyden
Peters	Tester	

#### NOT VOTING—2

Feinstein

Sessions

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 47.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

The Senator from Vermont.

AMENDMENTS NOS. 143, 86, AND 126 EN BLOC

Mr. SANDERS. Mr. President, I ask unanimous consent that the following amendments be called up en bloc and reported by number, and that they be considered following disposition of the Stabenow amendment No. 94: Cantwell amendment No. 143; Brown amendment No. 86; and Coons amendment No. 126.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendments by number.

The senior assistant legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS], for others, proposes amendments numbered 143, 86, and 126 en bloc.

The amendments are as follows:

#### AMENDMENT NO. 143

(Purpose: To create a point of order against any changes to the Medicare program, the Medicaid program, or the number of Americans enrolled in private health insurance coverage, in a manner that would result in reduced revenue to hospitals, health care centers, and physicians and other health care providers, thereby reducing their investments in health care delivery system reforms that improve patient health outcomes and reduce costs)

At the end of title IV, add the following:

**SEC. 4. POINT OF ORDER AGAINST ANY CHANGES TO THE MEDICARE PROGRAM, THE MEDICAID PROGRAM, OR THE NUMBER OF AMERICANS ENROLLED IN PRIVATE HEALTH INSURANCE COVERAGE, IN A MANNER THAT WOULD RESULT IN REDUCED REVENUE TO HOSPITALS, HEALTH CARE CENTERS, AND PHYSICIANS AND OTHER HEALTH CARE PROVIDERS, THEREBY REDUCING THEIR INVESTMENTS IN HEALTH CARE DELIVERY SYSTEM REFORMS THAT IMPROVE PATIENT HEALTH OUTCOMES AND REDUCE COSTS.**

(a) FINDINGS.—The Senate finds the following:

(1) The Affordable Care Act is moving the health care system of the United States from a fee-for-service system that frequently incentivizes the overutilization of health care services and wasteful health care spending to a value- and performance-based health care system that promotes patient-centered and team-based care to keep Americans as healthy as possible, improve health outcomes, and lower health care costs.

(2) Because of the investments in health care delivery system reforms made by the Affordable Care Act, a third of Medicare payments to health care providers are now based on the overall quality of patient care and health outcomes achieved by such providers.

(b) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill,

joint resolution, motion, amendment, amendment between the Houses, or conference report that would change the Medicare program, the Medicaid program, or the number of Americans enrolled in private health insurance coverage, in a manner that would result in reduced revenue to hospitals, health care centers, and physicians and other health care providers, thereby reducing their investments in health care delivery system reforms that improve patient health outcomes and reduce costs.

(c) WAIVER AND APPEAL.—Subsection (b) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (b).

#### AMENDMENT NO. 86

(Purpose: To create a point of order against legislation that would undermine the historic coverage gains the United States has made in children's health, which have resulted in the lowest uninsured rate for children in the Nation's history)

At the end of title IV, add the following:

**SEC. 4. POINT OF ORDER AGAINST LEGISLATION THAT WOULD UNDERMINE ACCESS TO COMPREHENSIVE, AFFORDABLE HEALTH COVERAGE FOR AMERICA'S CHILDREN.**

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that makes changes to the Medicaid program under title XIX of the Social Security Act (42 U.S.C. et seq.), the Children's Health Insurance Program under title XXI (42 U.S.C. 1397aa et seq.), or Federal requirements for private health insurance coverage unless the Congressional Budget Office certifies that such changes would not result in lower coverage rates, reduced benefits, or decreased affordability for children receiving coverage through the Medicaid Program, the Children's Health Insurance Program, or the private insurance markets established under the Patient Protection and Affordable Care Act.

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

#### AMENDMENT NO. 126

(Purpose: To create a point of order against legislation that would permit lifetime limits on health care coverage)

At the end of title IV, add the following:

**SEC. 4. POINT OF ORDER AGAINST LEGISLATION THAT WOULD PERMIT LIFETIME LIMITS ON HEALTH CARE COVERAGE.**

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would permit lifetime limits on health care coverage.

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

The PRESIDING OFFICER. The Senator from Wyoming.

## AMENDMENTS NOS. 167 AND 176 EN BLOC

Mr. ENZI. Mr. President, I ask unanimous consent that following disposition of the Manchin amendment No. 64, the Senate vote in relation to the following amendments in the order listed, with all other provisions of the previous order remaining in effect; further, that there be no second-degree amendments in order to the amendments listed; and, finally, that the Heller amendment No. 167 and the Flake amendment No. 176 be called up and reported by number en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendments by number.

The bill clerk read as follows:

The Senator from Wyoming [Mr. ENZI], for others, proposes amendments numbered 167 and 176 en bloc.

The amendments are as follows:

## AMENDMENT NO. 167

(Purpose: To establish a deficit-neutral reserve fund relating to strengthening Social Security and repealing Obamacare, which has increased health care costs, raised taxes on middle-class families, reduced access to high quality care, created disincentives for work, and caused tens of thousands of Americans to lose coverage they had and liked, and replacing it with patient-centered, step-by-step health reforms that provide access to quality, affordable private health care coverage for all Americans and their families by increasing competition, State flexibility and individual choice, and safeguarding consumer protections that Americans support)

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO STRENGTHENING SOCIAL SECURITY OR REPEALING AND REPLACING OBAMACARE.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to strengthening Social Security or repealing and replacing Obamacare, which may include step-by-step health reforms providing access to quality, affordable coverage for all Americans, safeguarding consumer protections, strengthening Medicare, and improving Medicaid, without raising new revenue, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

## AMENDMENT NO. 176

(Purpose: To establish a deficit-neutral reserve fund relating to enhancing health care and housing for veterans and their dependents by repealing Obamacare, facilitating medical facility leases, and prohibiting the Secretary of Veterans Affairs from employing individuals who have been convicted of a felony and medical personnel who have ever had their medical licenses or credentials revoked or suspended)

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO ENHANCING VETERANS HEALTH CARE, HOUSING, AND THE WORKFORCE OF THE DEPARTMENT OF VETERANS AFFAIRS.**

The Chairman of the Committee on the Budget of the Senate may revise the alloca-

tions of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to improving veterans' housing and health care for veterans and their dependents, which may include repealing Obamacare, facilitating medical facility leases, reforming veterans housing programs, and prohibiting the Secretary of Veterans Affairs from employing individuals who have been convicted of a felony and medical personnel who have ever had their medical licenses or credentials revoked or suspended, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

## AMENDMENT NO. 64

The PRESIDING OFFICER. There is now 2 minutes of debate prior to a vote on Manchin amendment No. 64.

The Senator from West Virginia.

Mr. MANCHIN. Mr. President, basically, if you are concerned about your rural hospital or health care system centers, this is the amendment that will save them. This is the amendment that will protect them. You can go home and say, basically, that we have made sure that no matter what happens with the Affordable Care Act, we are going to make sure we protect our rural hospitals and rural clinics. That being said, all of us have rural areas in our States. I urge the adoption of this amendment and the support of this amendment. It has the teeth of the budget point of order.

So I urge everybody: If you care about your health care providers—the economic engine, the protection of your people in your areas that have very poor health care coverage right now—make sure you vote in support of this amendment.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, this amendment is not germane to this budget resolution. This budget resolution is focused on defeating ObamaCare. So anything other than that is outside of the scope of the repeal resolution.

The Congressional Budget Act requires that amendments to a budget resolution be germane. Since this amendment doesn't meet the standard required by budget law, a point of order would lie.

So I am compelled as chairman of the Senate Budget Committee to raise a point of order against the amendment under section 305(b)(2) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, pursuant to section 904—

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, making a clarification that the numbers of the amendments done in the unanimous consent are Heller amendment No. 167, Baldwin amendment No. 81, Flake amendment No. 176, and Tester amendment No. 104.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

Mr. MANCHIN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive section 305(b)(2) of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to waive.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 47, as follows:

[Rollcall Vote No. 10 Leg.]

## YEAS—51

Baldwin	Gillibrand	Murray
Bennet	Harris	Nelson
Blumenthal	Hassan	Peters
Booker	Heinrich	Portman
Brown	Heitkamp	Reed
Cantwell	Heller	Sanders
Capito	Hirono	Schatz
Cardin	Kaine	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Stabenow
Collins	Leahy	Tester
Coons	Manchin	Udall
Cortez Masto	Markey	Van Hollen
Donnelly	McCaskill	Warner
Duckworth	Menendez	Warren
Durbin	Merkley	Whitehouse
Franken	Murphy	Wyden

## NAYS—47

Alexander	Flake	Paul
Barrasso	Gardner	Perdue
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Cassidy	Hoeben	Rubio
Cochran	Inhofe	Sasse
Corker	Isakson	Scott
Cornyn	Johnson	Shelby
Cotton	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	McCain	Toomey
Enzi	McConnell	Wicker
Ernst	Moran	Young
Fischer	Murkowski	

## NOT VOTING—2

Feinstein Sessions

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 47.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

## AMENDMENT NO. 167

The PRESIDING OFFICER. There is now 2 minutes of debate prior to a vote on Heller amendment No. 167.

The Senator from Nevada.

Mr. HELLER. Mr. President, amendment No. 167 is a side-by-side. This amendment makes good on two promises to the American people. One is to



repeal ObamaCare, which has increased costs, limited health care choices, and has raised \$1.1 trillion in taxes on the American people in the middle class.

It also makes good on a second promise; that is, Congress will replace ObamaCare with health care reforms that provide access to quality, affordable health care coverage, not just to dependents under the age of 26 but to all Americans—women, children, seniors, and disabled. We shouldn't be choosing winners and losers.

A vote against this amendment is a vote against affordable, quality health care for all, and I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Mr. President, I would like to divide the time, claim 30 seconds, and then yield to Senator SANDERS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. BALDWIN. Mr. President, if Members of this body care about insurance coverage for young people, young adults up to age 26, then they should vote no on the Heller side-by-side and take the opportunity to support my amendment that we will vote on immediately following the disposal of this amendment.

In this Nation, we had an uninsurance crisis among young people before the Affordable Care Act was passed—one of the most uninsured demographics in America, and we have an opportunity to protect those young people through my amendment later this evening, but I urge a "no" vote on an amendment that would do nothing to protect these young people.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, this amendment should be aptly called the Orwellian amendment because it says one thing and does something very much the opposite. It talks about strengthening Social Security, affordable coverage for all Americans. What is really going on is a desire to cut Social Security benefits and throw 20 million Americans off of health insurance. I urge the defeat of this amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. HELLER. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget resolutions for the purposes of my amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I raise a point of order that the pending amendment is not germane to the underlying resolution and therefore violates section 305(b)(2) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to waive.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 47, as follows:

[Rollcall Vote No. 11 Leg.]

#### YEAS—51

Alexander	Fischer	Murkowski
Barrasso	Flake	Paul
Blunt	Gardner	Perdue
Boozman	Graham	Portman
Burr	Grassley	Risch
Capito	Hatch	Roberts
Cassidy	Heller	Rounds
Cochran	Hoeven	Rubio
Collins	Inhofe	Sasse
Corker	Isakson	Scott
Cornyn	Johnson	Shelby
Cotton	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	McCain	Toomey
Enzi	McConnell	Wicker
Ernst	Moran	Young

#### NAYS—47

Baldwin	Harris	Nelson
Bennet	Hassan	Peters
Blumenthal	Heinrich	Reed
Booker	Heitkamp	Sanders
Brown	Hirono	Schatz
Cantwell	Kaine	Schumer
Cardin	King	Shaheen
Carper	Klobuchar	Stabenow
Casey	Leahy	Tester
Coons	Manchin	Udall
Cortez Masto	Markey	Van Hollen
Donnelly	McCaskill	Warner
Duckworth	Menendez	Warren
Durbin	Merkley	Whitehouse
Franken	Murphy	Wyden
Gillibrand	Murray	

#### NOT VOTING—2

Feinstein Sessions

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 47.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

#### AMENDMENT NO. 81

Under the previous order, there will be 2 minutes of debate equally divided prior to a vote on Baldwin amendment No. 81.

The Senator from Wisconsin.

Ms. BALDWIN. Mr. President, my amendment protects the Affordable Care Act benefits for young people, including the provision that allows young adults to remain on their parents' health plan until age 26. It will safeguard our future generations by blocking Republican efforts that would weaken dependent coverage, increase premiums or out-of-pocket costs, including the premium tax credits, or reduce the number of young adults who are currently insured.

As someone who didn't have access to quality health insurance until I was in

my 20s, I championed the provision that allows young people to stay on their parents' health insurance during my time in the House of Representatives. Before we passed health care reform, I heard from countless young adults and college-age students in Wisconsin who are just starting out in the workforce, many of them in jobs that had no health care.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. BALDWIN. I urge my colleagues to stand with me and vote in support of this amendment to protect our future generations with health care coverage.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, this amendment is not germane to this budget resolution. The Congressional Budget Act requires that amendments to a budget resolution be germane. Since this amendment does not meet the standard required by budget law, a point of order would lie against it.

I am compelled as chairman of the Committee on the Budget to raise a point of order against this amendment under section 305(b)(2) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive section 305(b)(2) of that act for the purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to waive.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

The PRESIDING OFFICER (Mr. GARDNER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 48, nays 50, as follows:

[Rollcall Vote No. 12 Leg.]

#### YEAS—48

Baldwin	Gillibrand	Murray
Bennet	Harris	Nelson
Blumenthal	Hassan	Peters
Booker	Heinrich	Reed
Brown	Heitkamp	Sanders
Cantwell	Hirono	Schatz
Cardin	Kaine	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Stabenow
Collins	Leahy	Tester
Coons	Manchin	Udall
Cortez Masto	Markey	Van Hollen
Donnelly	McCaskill	Warner
Duckworth	Menendez	Warren
Durbin	Merkley	Whitehouse
Franken	Murphy	Wyden

#### NAYS—50

Alexander	Capito	Cotton
Barrasso	Cassidy	Crapo
Blunt	Cochran	Cruz
Boozman	Corker	Daines
Burr	Cornyn	Enzi

Ernst	Kennedy	Rounds
Fischer	Lankford	Rubio
Flake	Lee	Sasse
Gardner	McCain	Scott
Graham	McConnell	Shelby
Grassley	Moran	Sullivan
Hatch	Murkowski	Thune
Heller	Paul	Tillis
Hoeven	Perdue	Toomey
Inhofe	Portman	Wicker
Isakson	Risch	Young
Johnson	Roberts	

## NOT VOTING—2

Feinstein Sessions

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 50.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained, and the amendment falls.

## AMENDMENT NO. 176

There is now 2 minutes of debate prior to the vote on Flake amendment No. 176.

The Senator from Arizona.

Mr. FLAKE. Mr. President, I rise in favor of Flake amendment No. 176.

We have had problems, obviously, with the VA. Phoenix, AZ, has been kind of ground zero for that. Part of the problem is that the VA has no strong prohibition against hiring felons, and we have had example after example around the country of their continuing to hire felons or those who have been disciplined by the profession. So this would simply require that they fire felons who are on their rolls.

I urge support and yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, the Flake amendment is going to really result in less access for veterans across this country.

The VA already has some hiring challenges due to a severe national shortage of medical personnel. This amendment is going to set the VA back even further.

I will tell you why. It is going to prohibit the VA from hiring any medical professional who has ever had their license or credentials suspended. That means if it was done by administrative error, with that suspension, they wouldn't be able to be hired. If it got lost in the mail, they wouldn't be able to be hired. If they moved States and forgot to fill out the paperwork, those medical professionals wouldn't be able to be hired.

It is really going to undermine the VA's ability to attract some of the most topnotch medical professionals and take care of our veterans.

We have a medical workforce shortage in Montana. I am sure they do in Arizona. Why would we make the VA a less attractive place to work? Why would we want to do this? I would encourage a "no" vote.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I raise a point of order that the pending amendment is not germane to the underlying resolution and, therefore, violates section 305(b)(2) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of the act and applicable budget resolutions for purposes of amendment No. 176, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to waive.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 50, nays 48, as follows:

[Rollcall Vote No. 13 Leg.]

## YEAS—50

Alexander	Fischer	Murkowski
Barrasso	Flake	Paul
Blunt	Gardner	Perdue
Boozman	Graham	Risch
Burr	Grassley	Roberts
Capito	Hatch	Rounds
Cassidy	Heller	Rubio
Cochran	Hoeven	Sasse
Collins	Inhofe	Scott
Corker	Isakson	Shelby
Cornyn	Johnson	Sullivan
Cotton	Kennedy	Thune
Crapo	Lankford	Tillis
Cruz	Lee	Toomey
Daines	McCain	Wicker
Enzi	McConnell	Young
Ernst	Moran	

## NAYS—48

Baldwin	Harris	Nelson
Bennet	Hassan	Peters
Blumenthal	Heinrich	Portman
Booker	Heitkamp	Reed
Brown	Hirono	Sanders
Cantwell	Kaine	Schatz
Cardin	King	Schumer
Carper	Klobuchar	Shaheen
Casey	Leahy	Stabenow
Coons	Manchin	Tester
Cortez Masto	Markey	Udall
Donnelly	McCaskill	Van Hollen
Duckworth	Menendez	Warner
Durbin	Merkley	Warren
Franken	Murphy	Whitehouse
Gillibrand	Murray	Wyden

## NOT VOTING—2

Feinstein Sessions

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 48.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent that following the disposition of the Tester amendment No. 104, the Senate vote in relation to the Casey amendment No. 61 with all of the provisions of the previous order re-

maining in effect; further, that there be no second-degree amendments in order to the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## AMENDMENT NO. 104

There will now be 2 minutes of debate prior to the vote on Tester amendment No. 104.

The Senator from Montana.

Mr. TESTER. Mr. President, today I offer an amendment on behalf of the Nation's more than 21 million veterans and the more than 100,000 veterans who reside in the State of Montana. As I travel across my State, I hear from veterans who say: We don't want the VA privatized. As I talk to my friends on both sides of the aisle, they talk about the fact that we do not want the VA privatized.

Here is an amendment you can vote for; in fact, it should pass by unanimous consent. What it does is bring a budget point of order against any provision that would limit the veterans' ability to choose VA health care. It is as simple as that. It needs to happen so we don't privatize the VA. The veterans I talk to, once they get through the door, love the care the VA provides them. I would encourage a "yes" vote on this amendment.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I am hoping we can do something for the veterans in a bipartisan way under a bill that Senator ISAKSON worked on for a long time, but on this amendment, the Congressional Budget Act requires that amendments to a budget resolution be germane. Since this amendment doesn't meet the standard required by budget law, a point of order would lie, so I would raise a point of order against this amendment under section 305(b)(2) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I would contend that it is germane, but I will not debate that now. Pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive section 305(b)(2) of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to waive.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

The PRESIDING OFFICER (Mr. SCOTT). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 48, nays 50, as follows:

[Rollcall Vote No. 14 Leg.]

#### YEAS—48

Baldwin	Harris	Murray
Bennet	Hassan	Nelson
Blumenthal	Heinrich	Peters
Booker	Heitkamp	Reed
Brown	Heller	Sanders
Cantwell	Hirono	Schatz
Cardin	Kaine	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Stabenow
Coons	Leahy	Tester
Cortez Masto	Manchin	Udall
Donnelly	Markey	Van Hollen
Duckworth	McCaskill	Warner
Durbin	Menendez	Warren
Franken	Merkley	Whitehouse
Gillibrand	Murphy	Wyden

#### NAYS—50

Alexander	Fischer	Paul
Barrasso	Flake	Perdue
Blunt	Gardner	Portman
Boozman	Graham	Risch
Burr	Grassley	Roberts
Capito	Hatch	Rounds
Cassidy	Hoeven	Rubio
Cochran	Inhofe	Sasse
Collins	Isakson	Scott
Corker	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	McCain	Toomey
Daines	McConnell	Wicker
Enzi	Moran	Young
Ernst	Murkowski	

#### NOT VOTING—2

Feinstein Sessions

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays 50.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

The Senator from Wyoming.

Mr. ENZI. Mr. President, after the Casey vote, we expect that the next three votes that we are still working to lock in after this vote will be Barrasso No. 181, Hatch No. 179, and Menendez No. 83. We are not asking for a unanimous consent agreement at this point. We just want people to be aware of the paperwork that is being done so that they can be ready for votes on those when we do lock them in.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, reserving the right to object, and I won't, I would appreciate it if we could add to the end of that tranche the Klobuchar-Sanders amendment. Would that be all right?

Mr. ENZI. I didn't ask unanimous consent. I was just announcing, and I assume you are just announcing as well.

Mr. SANDERS. OK. If we could add Klobuchar-Sanders as the fourth amendment of that tranche—it is all right. OK. Thank you.

#### AMENDMENT NO. 61

The PRESIDING OFFICER. There is now 2 minutes of debate prior to a vote on Casey amendment No. 61.

The Senator from Pennsylvania.

Mr. CASEY. Mr. President, this amendment deals with three basic issues. The first is the issue of pre-

existing conditions, the second is the issue with regard to discrimination as it relates to health status, and the third issue is with regard to caps on coverage.

The first issue is we want to make sure no action is taken in the Senate that would have the effect of limiting access to care for those individuals with preexisting conditions. That is No. 1.

No. 2, we want to make sure we don't place any lifetime caps on health insurance coverage for individuals with a disability or with a chronic condition.

No. 3, we want to make sure health plans will not discriminate on the basis of either the individual's physical health, their mental health, or their disability status.

This is the right thing to do for health care, and I urge an affirmative vote on this amendment.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, the Congressional Budget Act requires that amendments to a budget resolution be germane. Since this amendment does not meet the standard raised by budget law, a point of order would lie. As such, I raise a point of order against this amendment under section 305(b)(2) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive section 305(b)(2) of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to waive.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 49, as follows:

[Rollcall Vote No. 15 Leg.]

#### YEAS—49

Baldwin	Harris	Nelson
Bennet	Hassan	Peters
Blumenthal	Heinrich	Reed
Booker	Heitkamp	Sanders
Brown	Heller	Schatz
Cantwell	Hirono	Schumer
Cardin	Kaine	Shaheen
Carper	King	Stabenow
Casey	Klobuchar	Tester
Collins	Leahy	Udall
Coons	Manchin	Van Hollen
Cortez Masto	Markey	Warner
Donnelly	McCaskill	Warren
Duckworth	Menendez	Whitehouse
Durbin	Merkley	Wyden
Franken	Murphy	
Gillibrand	Murray	

#### NAYS—49

Alexander	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Hoeven	Rubio
Cassidy	Inhofe	Sasse
Cochran	Isakson	Scott
Corker	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	McCain	Toomey
Daines	McConnell	Wicker
Enzi	Moran	Young
Ernst	Murkowski	
Fischer	Paul	

#### NOT VOTING—2

Feinstein Sessions

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 49.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent that following the disposition of the Casey amendment No. 61, the Senate vote in relation to the following amendments in the order listed, with all other provisions of the previous order remaining in effect; further, that there be no second-degree amendments in order to the amendments listed. That would be Barrasso No. 181, Hatch No. 179, and Menendez No. 83.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ENZI. Mr. President, I also ask unanimous consent that Senator CORKER be recognized to offer amendment No. 106 and that the amendment be reported by number. I further ask that there then be 2 minutes of debate on the amendment to be controlled by Senator CORKER or his designee, and following the use or yielding back of time, the amendment be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Tennessee.

#### AMENDMENT NO. 106

Mr. CORKER. Mr. President, we have had a number of discussions about how to go about repealing and replacing the health care bill that is now law in our country. We have had a number of very thoughtful discussions on our side. I know a date has been put in this reconciliation of January 27, and we realize that is not a real date. That is a placeholder. That is the earliest they can come back.

In talking with leadership and working through this, we understand that everyone here understands the importance of doing it right, giving TOM PRICE, the new HHS person, the time to weigh in and help us make this work in the appropriate way. For that reason, we plan to withdraw this amendment and place our faith in the fact that we are going to do this in a manner that works well for the American people.

I yield to Senator PORTMAN.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, our amendment was about ensuring that the second step in improving the health care system for our constituents was done in a thoughtful way. We now have assurances from leadership that certainly is their intent and that this date is not a date that is set in stone. In fact, it is the earliest we could do it, but it could take longer. We believe that it might.

With that, we would like to withdraw the amendment, with assurances that we will have this time to be able to put together something that will, in fact, ensure that our constituents can better deal with the broken health care system.

Mr. CORKER. Mr. President, if there is any time, I would like to also say there have been a lot of concerns about the fiscal nature of this—making sure that we do it in a manner that does not waste taxpayer resources. There has been another concern—obviously, making sure that these health care plans stay in place during transition. Both discussions have been very thoughtful, very helpful, and I think that everyone understands what is at stake in this process, and hopefully we will move through it in a way that will reflect the fact that we want this to work for the American people.

I yield the floor.

Ms. COLLINS. Mr. President, one of my top priorities as a Senator has been to expand access to affordable health care for all Americans. I have always believed that the key to achieving this goal is to bring down the cost of health care, so more Americans can afford to purchase the health insurance that they need. During debate over the Affordable Care Act, I raised the concern that the bill's cumbersome "one size fits all" approach would do more harm than good and would result in an even more expensive, broken, and unsustainable health care system.

Unfortunately, my fears are now reality. According to the Kaiser Family Foundation, premiums for employer-sponsored family health plans now top \$18,000 per year, up nearly \$5000 since 2009. Deductibles have also been rising: in 2009, only one in five workers enrolled in single-coverage employer plans faced a deductible over \$1000. Today more than half do.

In Maine, premiums on the Exchange will rise an average of 22 percent this year, and many States are seeing even higher premium hikes. Meanwhile, fewer insurers are willing to write policies, leaving few choices for consumers who are looking for insurance.

Some of the ACA's provisions—especially its consumer protections—enjoy bipartisan support and should be retained; however, its Washington-centric approach must be changed if we are ever to truly reform our broken health care system. Nevertheless, this task must be undertaken with care.

There is growing understanding that we cannot simply repeal the Affordable

Care Act now and then wait 2 or 3 years to put reforms in place. Doing that would risk harming consumers who rely upon the current system for their insurance and would exacerbate the turmoil in the insurance markets. If we want a smooth transition from a broken and unaffordable system to a system that finally delivers on the promise of reform, we must carefully plan how we intend to get from where we are today, to where we need to be tomorrow.

Thus, we are called to act quickly, but not in haste. That is why I joined Senators CORKER, PORTMAN, CASSIDY, and MURKOWSKI in offering an amendment that would change the reporting date for the bill reported pursuant to the budget resolution's reconciliation instructions from January 27 to March 3. While I continue to much prefer the later date, I have received assurances from Senate leaders that the January 27th date is not binding and that there is a shared commitment that we will take the time necessary to proceed thoughtfully with legislative reforms to replace and reform Obamacare.

Few issues are as important to the American people as fixing our broken health care system. As we move to repair the ACA, I look forward to continuing to work with my colleagues on responsible alternatives that can put us on a path to a health care system that is truly sustainable and affordable.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. CORKER] proposes an amendment numbered 106.

The amendment is as follows:

(Purpose: To set an appropriate date for the reporting of a reconciliation bill in the Senate)

On page 45, line 15, strike "January 27" and insert "March 3".

AMENDMENT NO. 106 WITHDRAWN

Mr. CORKER. Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The Senator from Wyoming.

AMENDMENTS NOS. 181 AND 179 EN BLOC

Mr. ENZI. Mr. President, I call up Barrasso No. 181 and Hatch No. 179 and ask unanimous consent that they be reported by number.

The PRESIDING OFFICER. Without objection, the clerk will report the amendments by number.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI], for others, proposes amendments numbered 181 and 179 en bloc.

The amendments are as follows:

AMENDMENT NO. 181

(Purpose: To establish a deficit-neutral reserve fund relating to strengthening Social Security and repealing Obamacare, which has increased health care costs, raised taxes on middle class families, reduced access to high-quality care, created disincentives for work, and caused tens of thousands of Americans to lose coverage they had and liked, and replacing Obamacare with patient-centered, step-by-step health reforms that provide access to quality, affordable private health care coverage for all Americans, including people with disabilities and chronic conditions, and their families, by increasing competition, State flexibility, and individual choice, and safeguarding consumer protections, such as a ban on lifetime limits, that Americans support)

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO STRENGTHENING SOCIAL SECURITY AND REPEALING OBAMACARE.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports, relating to strengthening Social Security and repealing and replacing Obamacare, which may include step-by-step reforms providing access to quality, affordable coverage for all Americans, including people with disabilities and chronic conditions, and safeguarding consumer protections such as a ban on lifetime limits, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

AMENDMENT NO. 179

(Purpose: To establish a deficit-neutral reserve fund relating to reforming housing and Medicaid without prioritizing able-bodied adults over the disabled or raiding the Medicare Trust Funds to pay for new government programs, like Obamacare, which has failed Americans by increasing premiums and reducing affordable health care options)

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PROTECTIONS FOR THE ELDERLY AND DISABLED.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to reforming housing and Medicaid, which may include returning State regulation of health insurance markets to the States, without raising new revenue, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 181

Mr. BARRASSO. Mr. President, this is a side-by-side amendment to Casey amendment No. 61, which was just defeated.

As many in this body know, my wife Bobbi is a breast cancer survivor. I understand the importance of ensuring

that everyone has access to health care. This is especially true for patients with ongoing medical conditions.

Also, I spent 25 years practicing medicine, working every single day to ensure all patients received high quality care. That is why I am passionate about enacting health care reform to put patients first, unlike the Obama health care law, which put government ahead of patients and health care providers.

As I travel around the State of Wyoming, I hear from many hard-working folks who have lost their insurance coverage that they liked and that worked for them and their families. We are going to help those who have been hurt by ObamaCare. We will also ensure that people with serious medical conditions receive the care they need.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont.

Mr. SANDERS. Mr. President, the repeal of the Affordable Care Act will throw perhaps up to 30 million people off of health insurance.

I would yield to my friends if they will tell me now what the replacement is. How many of those 30 million people are going to die? What is your plan to cover them, plus the other 28 million people who have no health insurance? How are you going to end the international embarrassment of the United States being the only major country on Earth not to guarantee health care to all people?

They don't have a plan. I understand Senator CORKER wants more time. Maybe they will develop a plan. Right now what they are talking about is repealing legislation which has brought millions of people health care, and they have no substitute.

I would urge the defeat of the Barrasso amendment.

Madam President, I raise a point of order on Barrasso amendment No. 181, that the pending amendment is not germane to the underlying resolution and therefore violates section 305(b)(2) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget resolutions for the purposes of Barrasso amendment No. 181, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to waive.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

The PRESIDING OFFICER (Ms. MURKOWSKI). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 47, nays 51, as follows:

[Rollcall Vote No. 16 Leg.]

YEAS—47

Alexander	Fischer	Murkowski
Barrasso	Flake	Perdue
Blunt	Gardner	Portman
Boozman	Graham	Risch
Burr	Grassley	Roberts
Capito	Hatch	Rounds
Cassidy	Heller	Rubio
Cochran	Hoeven	Scott
Collins	Inhofe	Shelby
Corker	Isakson	Sullivan
Cornyn	Johnson	Thune
Cotton	Kennedy	Tillis
Crapo	Lankford	Toomey
Daines	McCain	Wicker
Enzi	McConnell	Young
Ernst	Moran	

NAYS—51

Baldwin	Harris	Nelson
Bennet	Hassan	Paul
Blumenthal	Heinrich	Peters
Booker	Heitkamp	Reed
Brown	Hirono	Sanders
Cantwell	Kaine	Sasse
Cardin	King	Schatz
Carper	Klobuchar	Schumer
Casey	Leahy	Shaheen
Cooms	Lee	Stabenow
Cortez Masto	Manchin	Tester
Cruz	Markey	Udall
Donnelly	McCaskill	Van Hollen
Duckworth	Menendez	Warner
Durbin	Merkley	Warren
Franken	Murphy	Whitehouse
Gillibrand	Murray	Wyden

NOT VOTING—2

Feinstein

Sessions

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 51.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

AMENDMENT NO. 179

The PRESIDING OFFICER. The Senator from Utah

Mr. HATCH. Madam President, ObamaCare exacerbated financial pressures on the Medicaid Program at a time when many States were already facing difficult choices. Even before ObamaCare, Medicaid was plagued by quality issues and the law did nothing to address these problems. Instead, under ObamaCare, able-bodied adults not previously eligible, including some prisoners, are now covered by Medicaid which has strained already limited resources at the State level.

Republicans are committed to working with States, stakeholders, and the American public to improve the quality of the Medicaid Program, ensuring its long-term sustainability. That is reflected in my amendment. My amendment would create a reserve fund to allow for reforms to Medicaid and ensure the program has the right priorities.

I urge my colleagues to vote for my amendment and against the Menendez amendment, which is simply designed to prevent the repeal of ObamaCare

and enshrine its flawed approach to Medicaid in a budget point of order.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, this is not an amendment to protect the elderly and disabled. It guts Medicaid's opportunity by going into a block grant or per capita cut that would sharply cut Federal funding over time and eliminate the States' flexibility to innovate.

Instead, this proposal only gives States flexibility to make draconian cuts, leaving millions of seniors and individuals with disabilities who rely on Medicaid without the access to needed health care. Instead of the State-Federal partnership that gives States broad flexibility to run their programs but do so with Federal minimum standards that are important consumer protections like mental health parity, early and periodic screening, diagnosis, and testing for children, and network adequacy protection will go to block grants.

Do you know what happens when there is no more entitlement and you go to a block grant? You cut the block grant, and before you know it, you have no Medicaid.

This is not protecting seniors, children, and the disabled. I urge a "no" vote on the amendment.

I raise a point of order that the pending amendment is not germane to the underlying resolution and therefore violates Section 305(b)(2) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I move to waive the applicable provisions of the Budget Act with respect to my amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to waive.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 47, as follows:

[Rollcall Vote No. 17 Leg.]

YEAS—51

Alexander	Cotton	Hatch
Barrasso	Crapo	Heller
Blunt	Cruz	Hoeven
Boozman	Daines	Inhofe
Burr	Enzi	Isakson
Capito	Ernst	Johnson
Cassidy	Fischer	Kennedy
Cochran	Flake	Lankford
Collins	Gardner	Lee
Corker	Graham	McCain
Cornyn	Grassley	McConnell

Moran	Roberts	Sullivan
Murkowski	Rounds	Thune
Paul	Rubio	Tillis
Perdue	Sasse	Toomey
Portman	Scott	Wicker
Risch	Shelby	Young

## NAYS—47

Baldwin	Harris	Nelson
Bennet	Hassan	Peters
Blumenthal	Heinrich	Reed
Booker	Heitkamp	Sanders
Brown	Hirono	Schatz
Cantwell	Kaine	Schumer
Cardin	King	Shaheen
Carper	Klobuchar	Stabenow
Casey	Leahy	Tester
Coons	Manchin	Udall
Cortez Masto	Markey	Van Hollen
Donnelly	McCaskey	Warner
Duckworth	Menendez	Warren
Durbin	Merkley	Whitehouse
Franken	Murphy	Wyden
Gillibrand	Murray	

## NOT VOTING—2

Feinstein Sessions

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 47.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

The Senator from Wyoming.

Mr. ENZI. Madam President, I ask unanimous consent that following the disposition of the Menendez amendment No. 83, the Senate vote in relation to the following amendments in the order listed, with all other provisions of the previous order remaining in effect; further, that there be no second-degree amendments in order to the amendments listed: Alexander amendment No. 174, Klobuchar amendment No. 178, Wyden amendment No. 188; finally, I ask unanimous consent that the Klobuchar amendment No. 172 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AMENDMENT NO. 83

The PRESIDING OFFICER. There is now 2 minutes of debate prior to the vote on the Menendez amendment No. 83.

The Senator from New Jersey.

Mr. MENENDEZ. Madam President, my amendment is to protect the health insurance of 11 million low-income men, women, and children who are currently benefiting from the Affordable Care Act's Medicaid expansion.

This amendment establishes a point of order requiring the CBO to certify that no legislation increases the overall number of uninsured, decreases enrollment in Medicaid in expansion States, or increases State spending on Medicaid.

There are currently 32 States that have expanded Medicaid, half of those States with Republican Governors. These Republican Governors—from Louisiana to Nevada, to Arkansas, Iowa, and even my own State of New Jersey, to name a few—understand that not only is Medicaid expansion a literal lifesaver to millions of children and families, but it has resulted in substantial economic growth and budget

savings, a reality that directly contradicts the outcries from Republicans who seek to destroy Medicaid and strip coverage away from 11 million of the most vulnerable among us.

I urge my colleagues to vote “yes” to protect those 11 million Americans.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, the Congressional Budget Act requires that amendments to a budget resolution be germane. Since this amendment does not meet the standard required by budget law, a point of order lies against it.

I am compelled, as chairman of the Committee on the Budget, to raise a point of order against the amendment under section 305(b)(2) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Madam President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive all applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to waive.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: The Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 48, nays 50, as follows:

[Rollcall Vote No. 18 Leg.]

## YEAS—48

Baldwin	Harris	Murray
Bennet	Hassan	Nelson
Blumenthal	Heinrich	Peters
Booker	Heitkamp	Reed
Brown	Heller	Sanders
Cantwell	Hirono	Schatz
Cardin	Kaine	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Stabenow
Coons	Leahy	Tester
Cortez Masto	Manchin	Udall
Donnelly	Markey	Van Hollen
Duckworth	McCaskey	Warner
Durbin	Menendez	Warren
Franken	Merkley	Whitehouse
Gillibrand	Murphy	Wyden

## NAYS—50

Alexander	Enzi	McCain
Barrasso	Ernst	McConnell
Blunt	Fischer	Moran
Boozman	Flake	Murkowski
Burr	Gardner	Paul
Capito	Graham	Perdue
Cassidy	Grassley	Portman
Cochran	Hatch	Risch
Collins	Hoeven	Roberts
Corker	Inhofe	Rounds
Cornyn	Isakson	Rubio
Cotton	Johnson	Sasse
Crapo	Kennedy	Scott
Cruz	Lankford	Shelby
Daines	Lee	

Sullivan	Tillis	Wicker
Thune	Toomey	Young

## NOT VOTING—2

Feinstein Sessions

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 50.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

The Senator from Tennessee.

## AMENDMENT NO. 174

Mr. ALEXANDER. Madam President, this amendment is an amendment I believe almost every Senator will want to vote for because this is an amendment that guarantees that when you walk into the local drugstore, your medicine is safe because you know that it has been approved by the Food and Drug Administration.

This amendment clarifies the current law, which says that if you sell a prescription drug in the United States, it has to be approved by the Food and Drug Administration. It may be made overseas—and many are, and they are sold here—but they are approved by the Food and Drug Administration.

I have the privilege of being the chairman of the HELP Committee, and I can't tell you the number of impassioned speeches I have heard from my Democratic friends about the importance of drug safety and the gold standard for the Food and Drug Administration. So if you are for the gold standard of the Food and Drug Administration, if you are for making prescription drugs approved by the FDA, vote yes. If you are against it, vote no.

The PRESIDING OFFICER. Does the Senator wish to call up his amendment?

Mr. ALEXANDER. Madam President, I call up my amendment No. 174 and ask unanimous consent that it be reported by number.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment by number.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER] proposes an amendment numbered 174.

The amendment is as follows:

(Purpose: To strengthen Social Security and Medicare without raiding them to pay for new government programs, like Obamacare, that have failed Americans by increasing premiums and reducing affordable health care options, to reform Medicaid without prioritizing able-bodied adults over the disabled, and to ensure that any importation does not increase risk to public health according to the Secretary of Health and Human Services)

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PERMITTING IMPORTATION OF PRESCRIPTION DRUGS ONLY UNDER CERTAIN CIRCUMSTANCES.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between



the Houses, motions, or conference reports relating to permitting the importation of prescription drugs, which may include certifying public health and safety, strengthening Social Security and Medicare, and improving Medicaid, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Madam President, people in the United States pay by far the highest prices in the world for prescription drugs.

I live 50 miles away from Canada, and in many cases they pay 50 percent less for the same exact medicine that we buy in Vermont or in America, and we all know the reason why. The power and wealth of the pharmaceutical industry and their 1300 lobbyists and unlimited sums of money have bought the U.S. Congress. Let's be clear about it.

Today Mr. Trump—a guy I don't quote very often—said that pharma gets away with murder. That is what Trump said. He is right. Year after year, the same old, same old takes place. We get amendments like Senator ALEXANDER's, and the pharmaceutical industry makes more and more money, and the American people pay higher and higher prices.

The time has come for us to stand up to the drug companies. Let's do it tonight. Let's defeat the Alexander amendment. Let's support the Klobuchar-Sanders amendment.

Madam President, I raise a point of order that the pending amendment is not germane to the underlying resolution and therefore violates section 305(b)(2) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget resolutions for the purposes of the pending Alexander amendment No. 174, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to waive.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

The PRESIDING OFFICER (Mr. PERDUE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 49, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS—49

Alexander	Fischer	Perdue
Barrasso	Flake	Portman
Blunt	Gardner	Risch
Boozman	Graham	Roberts
Burr	Heller	Rounds
Capito	Hoeven	Rubio
Cassidy	Inhofe	Sasse
Cochran	Isakson	Scott
Collins	Johnson	Shelby
Corker	Kennedy	Sullivan
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Crapo	McCain	Toomey
Cruz	McConnell	Wicker
Daines	Moran	Young
Enzi	Murkowski	
Ernst	Paul	

NAYS—49

Baldwin	Harris	Nelson
Bennet	Hassan	Peters
Blumenthal	Hatch	Reed
Booker	Heinrich	Sanders
Brown	Heitkamp	Schatz
Cantwell	Hirono	Schumer
Cardin	Kaine	Shaheen
Carper	King	Stabenow
Casey	Klobuchar	Tester
Cools	Leahy	Udall
Cortez Masto	Manchin	Van Hollen
Donnelly	Markey	Warner
Duckworth	McCaskill	Warren
Durbin	Menendez	Whitehouse
Franken	Merkley	Wyden
Gillibrand	Murphy	
Grassley	Murray	

NOT VOTING—2

Feinstein Sessions

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 49.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

The Senator from Minnesota.

AMENDMENT NO. 178

Ms. KLOBUCHAR. Mr. President, I call up amendment No. 178 and ask unanimous consent that it be reported by number.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment by number.

The legislative clerk read as follows:

The Senator from Minnesota [Ms. KLOBUCHAR] proposes an amendment numbered 178.

The amendment is as follows:

(Purpose: To establish a deficit-neutral reserve fund relating to lowering prescription drug prices for Americans by importing drugs from Canada)

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO LOWERING PRESCRIPTION DRUG PRICES FOR AMERICANS BY IMPORTING DRUGS FROM CANADA**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to lowering prescription drug prices, including through the importation of safe and affordable prescription drugs from Canada by American pharmacists, wholesalers, and individuals with a valid prescription from a provider licensed to practice in the United States, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the

deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I come to the floor to ask that my colleagues support this very important amendment with Senator SANDERS. I will match his passion with numbers.

The price of insulin, as our colleagues know, has tripled in the last decade. The antibiotic doxycycline went from \$20 a bottle to nearly \$2,000 a bottle in 6 months. Naloxone, the drug used to help with overdose, went from \$690 to \$4,500 to date. We cannot sit here and do nothing. We have an opportunity, for those who believe in the free market, to allow in competition—competition from the safe country of Canada, our neighbors to the north. In Minnesota, we can see Canada from our porch, and we want to see that competition come in and save our constituents' lives.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, last year the five major drug companies made \$50 billion in profit, while one out of five Americans cannot afford the medicine they need. Please don't tell me that we can import fish from all over the world, but we can't bring medicine in from Canada.

The PRESIDING OFFICER. The time for the Senator from Vermont has expired.

The Senator from Wyoming.

Mr. ENZI. Mr. President, this discussion will be a little different than any we have had because in a bipartisan way we have been defeating this for at least 14 years. Byron Dorgan used to head it up on that side, and I used to oppose it from this side, but it has always been bipartisan, and that is because we are not sure about the safety of the prescription drugs that come in online.

People who drive over the border and go to a pharmacist are probably getting good drugs there, but we are told that for up to 85 percent of what comes in online, we can't tell what country it came from. So we can specify Canada, but it may be from another country altogether, particularly the Middle East. If we want to assure we have the safety of our drugs, being able to get it online from even Canada doesn't have the kind of assurance we need. We have always asked that the Secretary of Health and Human Services specify that the safety is in place. No one has been willing to do that.

I ask that we vote against this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. SANDERS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 52, as follows:

[Rollcall Vote No. 20 Leg.]

#### YEAS—46

Baldwin	Heller	Paul
Blumenthal	Hirono	Peters
Boozman	Kaine	Reed
Brown	Kennedy	Sanders
Cardin	King	Schatz
Collins	Klobuchar	Schumer
Cortez Masto	Leahy	Shaheen
Cruz	Lee	Stabenow
Duckworth	Manchin	Thune
Durbin	Markey	Udall
Flake	McCain	Van Hollen
Franken	McCaskill	Warren
Gillibrand	Merkley	Whitehouse
Grassley	Murkowski	Wyden
Harris	Murphy	
Hassan	Nelson	

#### NAYS—52

Alexander	Donnelly	Perdue
Barrasso	Enzi	Portman
Bennet	Ernst	Risch
Blunt	Fischer	Roberts
Booker	Gardner	Rounds
Burr	Graham	Rubio
Cantwell	Hatch	Sasse
Capito	Heinrich	Scott
Carper	Heitkamp	Shelby
Casey	Hoeven	Sullivan
Cassidy	Inhofe	Tester
Cochran	Isakson	Tillis
Coons	Johnson	Toomey
Corker	Lankford	Warner
Cornyn	McConnell	Wicker
Cotton	Menendez	Young
Crapo	Moran	
Daines	Murray	

#### NOT VOTING—2

Feinstein Sessions

The amendment (No. 178) was rejected.

The PRESIDING OFFICER. The Senator from Oregon.

#### AMENDMENT NO. 188

Mr. WYDEN. Mr. President, I call up amendment No. 188 and ask unanimous consent that it be reported by number.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment by number.

The legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN] proposes an amendment numbered 188.

The amendment is as follows:

(Purpose: To create a point of order against legislation that does not lower drug prices)

At the end of title IV, add the following:

#### SEC. 4. POINT OF ORDER AGAINST LEGISLATION THAT DOES NOT LOWER DRUG PRICES.

(a) FINDINGS.—The Senate finds the following:

(1) Total annual drug spending in the United States is projected to reach more than \$500,000,000,000 by 2018.

(2) One out of five Americans age 19 to 64 cannot afford to fill their prescriptions.

(3) Spending on prescription drugs in the United States grew by 12 percent in 2014, faster than in any year since 2002.

(4) Medicare part D drug spending was \$90,000,000,000 in 2015, and is expected to increase to \$216,000,000,000 by 2025.

(5) Medicare part B drug spending also more than doubled between 2005 and 2015, increasing from \$9,000,000,000 in 2005 to \$22,000,000,000 in 2015.

(6) In 2014, prescription drug spending in Medicaid increased by 24 percent.

(7) During the Presidential campaign, the President-elect said, "When it comes time to negotiate the cost of drugs, we're going to negotiate like crazy, folks" and his campaign website said that, "allowing consumers access to imported, safe and dependable drugs from overseas will bring more options to consumers."

(8) After being elected, the President-elect said, "I'm going to bring down drug prices. I don't like what's happened with drug prices."

(9) On January 11, 2017, the President-elect said, "We have to create new bidding procedures for the drug industry, because they are getting away with murder."

(b) POINT OF ORDER.—It shall not be in order in the Senate to consider a bill or joint resolution reported pursuant to section 2001 or 2002, or an amendment to, motion on, conference report on, or amendment between the Houses in relation to such a bill or joint resolution that does not, as promised by the President-elect, lower drug prices, as certified by the Congressional Budget Office.

(c) WAIVER AND APPEAL.—Subsection (b) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (b).

Mr. WYDEN. Mr. President and colleagues, this amendment is supported by a number of Senators because, as the Senate majority plows ahead with a scheme that I call repeal and run, it is putting tens of millions of Americans in danger of losing their health insurance, and Americans are waiting for Congress to step up and adopt smart policies that will drive down the cost of prescription medicine.

We understand this is an era of miracle cures and treatments. There are drugs on the market today that were science fiction not very long ago. With drug prices rising, the question is whether Americans are going to be able to afford them. This is a growing source of inequality, and it cannot go unchecked.

Here is my bottom line.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WYDEN. In a country as rich and strong as ours, cures have to be available for everyone, not just the wealthy. I urge support for this amendment.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, the Congressional Budget Act does require that the amendments to the budget resolution be germane. Since this amendment does not meet the standard required by budget law, a point of order would lie. So I raise a point of order against this amendment under section 305(b)(2) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, pursuant to section 904 of the Congressional

Budget Act of 1974, I move to waive section 305(b)(2) of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 47, nays 51, as follows:

[Rollcall Vote No. 21 Leg.]

#### YEAS—47

Baldwin	Harris	Nelson
Bennet	Hassan	Peters
Blumenthal	Heinrich	Reed
Booker	Heitkamp	Sanders
Brown	Hirono	Schatz
Cantwell	Kaine	Schumer
Cardin	King	Shaheen
Carper	Klobuchar	Stabenow
Casey	Leahy	Tester
Coons	Manchin	Udall
Cortez Masto	Markey	Van Hollen
Donnelly	McCaskill	Warner
Duckworth	Menendez	Warren
Durbin	Merkley	Whitehouse
Franken	Murphy	Wyden
Gillibrand	Murray	

#### NAYS—51

Alexander	Fischer	Murkowski
Barrasso	Flake	Paul
Blunt	Gardner	Perdue
Boozman	Graham	Portman
Burr	Grassley	Risch
Capito	Hatch	Roberts
Cassidy	Heller	Rounds
Cochran	Hoeven	Rubio
Collins	Inhofe	Sasse
Corker	Isakson	Scott
Cornyn	Johnson	Shelby
Cotton	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	McCain	Toomey
Enzi	McConnell	Wicker
Ernst	Moran	Young

#### NOT VOTING—2

Feinstein Sessions

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 51.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate vote in relation to the following amendments in the order listed, with all other provisions of the previous order remaining in effect; further that there be no second-degree amendments in order to the amendments listed: Fischer 184, Gillibrand 82, Hatch 180, Brown 86; I further ask that the pending amendments, aside from these listed, be withdrawn; that no further amendments be in order, and that following disposition of the Brown amendment, the Senate vote on adoption of the resolution, as amended, if amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I ask unanimous consent that the listed amendments be called up and reported by number.

Mr. SCHUMER. Mr. President, will my friend from Wyoming yield for a question?

Mr. ENZI. Sure.

Mr. SCHUMER. Since the amendment by Senator COONS from Delaware is not going to be offered, I believe that the Hatch amendment was a side-by-side to Coons and we don't need that. Is that true?

Mr. ENZI. Mr. President, I ask unanimous consent that my previous unanimous consent request be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate vote in relation to the following amendments in the order listed with all other provisions of the previous order remaining in effect; further, that there be no second-degree amendments in order to the amendments listed: That would be Fischer 184 and Gillibrand 82.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska.

#### AMENDMENT NO. 184

Mrs. FISCHER. Mr. President, I call up my amendment No. 184.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nebraska [Mrs. FISCHER] proposes an amendment numbered 184.

The amendment is as follows:

(Purpose: To establish a deficit-neutral reserve fund relating to strengthening Social Security or health care for women, which may include strengthening community health centers, and repealing and replacing Obamacare)

At the appropriate place, add the following:

#### SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND RELATING TO SOCIAL SECURITY OR WOMEN'S HEALTH.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports, relating to strengthening Social Security or health care for women, which may include strengthening community health centers, and repealing and replacing the Patient Protection and Affordable Care Act, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

Mrs. FISCHER. Mr. President, this amendment would strengthen community health centers across this country. In Nebraska we have 7 federally qualified health centers and 40 clinic sites that have served over 75,000 people. These centers provide quality personalized health care that women need and deserve.

Last year I had the opportunity to visit one of these in Omaha, the Charles Drew Medical Clinic. I saw firsthand the comprehensive, compassionate care that they provide to Nebraskans. Many times, women are the ones who make health care decisions for their families, but with higher costs and fewer choices, ObamaCare has hurt, not helped, women in this country.

They have seen their premiums go up, they have had a hard time finding the doctors that they trust, and they have had to sign up for plans that they don't like. With this amendment, we can alleviate this frustration. We can help ensure that they receive quality care in their communities surrounded by a support system. It would strengthen women's health. It would help take care of our families, our neighbors, and our friends.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I rise to oppose the amendment of the Senator from Nebraska. While we all support community health centers, and they are very useful in the State of New York as well, this is just another attempt to end the protections the Affordable Care Act provides for women.

Nothing in this amendment will say that you cannot charge women more for health care just because they are women. Nothing in this amendment will say that you cannot charge women for health care or drop their coverage when they become pregnant. Nothing in this amendment provides for any restrictions on discrimination.

It does not provide the mammograms, the preventive care services, the contraception care, and other affordable cancer screenings that women need. This amendment does not protect women's health care. They will still be discriminated against, charged more, and drop coverage as soon as they become pregnant. It is not acceptable.

I raise a point of order that the pending amendment is not germane to the underlying resolution and therefore violates section 305(b)(2) of the Congressional Budget Act of 1974.

Mrs. FISCHER. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget resolutions for purposes of my amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent to reinstate my previous unanimous consent which would be: Fischer 184, then Gillibrand 82, Hatch 180, Brown 86; further, that the pending amendments, aside from these listed,

be withdrawn, that no further amendments be in order, and that following disposition of the Brown amendment, the Senate vote on adoption of the resolution, as amended, if amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. I ask unanimous consent that the list of amendments be called up and reported by number.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 180

The clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI], for Mr. HATCH, proposes an amendment numbered 180.

The amendment is as follows:

(Purpose: To establish a deficit-neutral reserve fund relating to strengthening Social Security and repealing and replacing Obamacare, which has increased health care costs, raised taxes on middle-class families, reduced access to high quality care, created disincentives for work, and caused tens of thousands of Americans to lose coverage they had and liked, and replacing it with reforms that strengthen Medicaid and the Children's Health Insurance Program without prioritizing able-bodied adults over the disabled or children and lead to patient-centered, step-by-step health reforms that provide access to quality, affordable private health care coverage for all Americans and their families by increasing competition, State flexibility, and individual choice, and safeguarding consumer protections that Americans support)

At the end of title III, add the following:

#### SEC. 3 \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND RELATING TO STRENGTHENING SOCIAL SECURITY AND REPEALING AND REPLACING OBAMACARE.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to strengthening Social Security and repealing and replacing Obamacare, which may include reforms that strengthen Medicaid and the Children's Health Insurance Program without prioritizing able-bodied adults over the disabled or children and lead to step-by-step reforms providing access to quality, affordable coverage for all Americans, and safeguarding consumer protections, without raising new revenue, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

#### VOTE ON AMENDMENT NO. 184

The PRESIDING OFFICER. The question is on agreeing to the motion to waive.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 46, as follows:

[Rollcall Vote No. 22 Leg.]

#### YEAS—52

Alexander	Flake	Paul
Barrasso	Gardner	Perdue
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Capito	Heller	Rounds
Cassidy	Hoeven	Rubio
Cochran	Inhofe	Sasse
Collins	Isakson	Scott
Corker	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	Manchin	Toomey
Daines	McCain	Wicker
Enzi	McConnell	Young
Ernst	Moran	
Fischer	Murkowski	

#### NAYS—46

Baldwin	Harris	Peters
Bennet	Hassan	Reed
Blumenthal	Heinrich	Sanders
Booker	Heitkamp	Schatz
Brown	Hirono	Schumer
Cantwell	Kaine	Shaheen
Cardin	King	Stabenow
Carper	Klobuchar	Tester
Casey	Leahy	Udall
Coons	Markey	Van Hollen
Cortez Masto	McCaskill	Warner
Donnelly	Menendez	Warren
Duckworth	Merkley	Whitehouse
Durbin	Murphy	Wyden
Franken	Murray	
Gillibrand	Nelson	

#### NOT VOTING—2

Feinstein Sessions

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 46.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

The Senator from New York.

#### AMENDMENT NO. 82

Mrs. GILLIBRAND. Mr. President, I rise to speak in favor of amendment No. 82. This amendment protects women's health care.

Under the Affordable Care Act, we made many changes that made a huge difference in the lives of everyday American families. It said to women in America: You can't be charged more just because you are a woman. It said: You can't be dropped from coverage when you become pregnant.

Imagine becoming pregnant and having your insurer drop your coverage because you no longer are economic or you cost too much money. Imagine being a cancer survivor and then having your coverage dropped because you survived cancer and you cost too much money.

In the Affordable Care Act, we made sure contraception, preventive care service, health care screenings, and mammograms were affordable and accessible. If we take that away, these families are left without the basic care they need to survive.

So if you love women and you love your mothers and daughters and wives, please do not unwind the Affordable

Care Act. We need women's health protected, and that is what this amendment does.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, the Congressional Budget Act requires that amendments to a budget resolution be germane. Since this amendment does not meet the standard required by budget law, a point of order would lie.

So I raise a point of order against this amendment under section 305(b)(2) of the Congressional Budget Act of 1974.

Mrs. GILLIBRAND. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive section 305(b)(2) of that act for the purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to waive.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 49, as follows:

[Rollcall Vote No. 23 Leg.]

#### YEAS—49

Baldwin	Harris	Nelson
Bennet	Hassan	Peters
Blumenthal	Heinrich	Reed
Booker	Heitkamp	Sanders
Brown	Heller	Schatz
Cantwell	Hirono	Schumer
Cardin	Kaine	Shaheen
Carper	King	Stabenow
Casey	Klobuchar	Tester
Collins	Leahy	Udall
Coons	Manchin	Van Hollen
Cortez Masto	Markey	Warner
Donnelly	McCaskill	Warren
Duckworth	Menendez	Whitehouse
Durbin	Merkley	Wyden
Franken	Murphy	
Gillibrand	Murray	

#### NAYS—49

Alexander	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Hoeven	Rubio
Cassidy	Inhofe	Sasse
Cochran	Isakson	Scott
Corker	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	McCain	Toomey
Daines	McConnell	Wicker
Enzi	Moran	Young
Ernst	Murkowski	
Fischer	Paul	

#### NOT VOTING—2

Feinstein Sessions

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 49.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

The Senator from Utah.

#### AMENDMENT NO. 180

Mr. HATCH. Mr. President, as I stated, ObamaCare came along when States were already facing difficult fiscal choices, and, sadly, made things worse. ObamaCare's Medicaid expansion exacerbated the pressure on States without even addressing the numerous quality issues in the program. Republicans are still committed to working with interested parties, including our State governments, to reform Medicaid and ensure its long-term sustainability. That is the purpose of my amendment here tonight.

My amendment would create a deficit-neutral reserve fund to allow for reforms to Medicaid as well as the Children's Health Insurance Program and to ensure the programs have the right priorities.

I urge my colleagues to vote for my amendment and against the Brown amendment, which is simply designed to prevent the repeal of ObamaCare and enshrine its flawed approach to Medicaid in a budget point of order.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I rise in opposition to the Hatch amendment.

Because of the Affordable Care Act, more than 2 million children have health insurance today that did not have it prior to the Affordable Care Act.

In my State, Governor Kasich, a Republican, who is a friend of mine and of many of us in this Chamber, has said that he has admonished his Republican colleagues to not repeal the Affordable Care Act without an immediate replacement. Governor Kasich expanded Medicaid. As a result, 700,000 Ohioans were provided insurance because he expanded Medicaid. He asked the question: What happens to these 700,000 people in my State—just in Medicaid expansion alone—what happens to them if the Hatch amendment passes or if the Affordable Care Act is repealed?

I ask my colleagues to vote no on the amendment.

Mr. President, I raise a point of order that the pending amendment is not germane to the underlying resolution. It violates section 305(b)(2) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I move to waive the applicable provisions of the Budget Act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to waive.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

The PRESIDING OFFICER (Mr. GARDNER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 47, as follows:

[Rollcall Vote No. 24 Leg.]

#### YEAS—51

Alexander	Fischer	Murkowski
Barrasso	Flake	Paul
Blunt	Gardner	Perdue
Boozman	Graham	Portman
Burr	Grassley	Risch
Capito	Hatch	Roberts
Cassidy	Heller	Rounds
Cochran	Hoeven	Rubio
Collins	Inhofe	Sasse
Corker	Isakson	Scott
Cornyn	Johnson	Shelby
Cotton	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	McCain	Toomey
Enzi	McConnell	Wicker
Ernst	Moran	Young

#### NAYS—47

Baldwin	Harris	Nelson
Bennet	Hassan	Peters
Blumenthal	Heinrich	Reed
Booker	Heitkamp	Sanders
Brown	Hirono	Schatz
Cantwell	Kaine	Schumer
Cardin	King	Shaheen
Carper	Klobuchar	Stabenow
Casey	Leahy	Tester
Coons	Manchin	Udall
Cortez Masto	Markey	Van Hollen
Donnelly	McCaskill	Warner
Duckworth	Menendez	Warren
Durbin	Merkley	Whitehouse
Franken	Murphy	Wyden
Gillibrand	Murray	

#### NOT VOTING—2

Feinstein Sessions

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 47.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

The Senator from Ohio.

#### AMENDMENT NO. 86

Mr. BROWN. Mr. President, I call for amendment No. 86.

The PRESIDING OFFICER. The amendment is pending.

Mr. BROWN. Mr. President, thanks to Medicaid and the Children's Health Insurance Program, CHIP—two programs made stronger by the Affordable Care Act—95 percent of children in America now have affordable, comprehensive health insurance that covers annual physicals, dental care, and hospital stays. Why would we want to move backward instead of building on that 95 percent?

Amendment No. 86 creates a budget point of order against any legislation that would decrease coverage, reduce benefits, or raise costs when it comes to children's health insurance. Rather than ripping away coverage from children, we should be building on that 95 percent number; we should build on that progress; we should work to get 100 percent of our Nation's children covered.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, the Congressional Budget Act requires that amendments to a budget resolution be germane. Since this amendment does not meet the standard required by budget law, I raise a point of order against this amendment under section 305(b)(2) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive section 305(b)(2) of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to waive.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 49, as follows:

[Rollcall Vote No. 25 Leg.]

#### YEAS—49

Baldwin	Harris	Nelson
Bennet	Hassan	Peters
Blumenthal	Heinrich	Reed
Booker	Heitkamp	Sanders
Brown	Heller	Schatz
Cantwell	Hirono	Schumer
Cardin	Kaine	Shaheen
Carper	King	Stabenow
Casey	Klobuchar	Tester
Collins	Leahy	Udall
Coons	Manchin	Van Hollen
Cortez Masto	Markey	Warner
Donnelly	McCaskill	Warren
Duckworth	Menendez	Whitehouse
Durbin	Merkley	Wyden
Franken	Murphy	
Gillibrand	Murray	

#### NAYS—49

Alexander	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Hoeven	Rubio
Cassidy	Inhofe	Sasse
Cochran	Isakson	Scott
Corker	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	McCain	Toomey
Daines	McConnell	Wicker
Enzi	Moran	Young
Ernst	Murkowski	
Fischer	Paul	

#### NOT VOTING—2

Feinstein Sessions

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 49.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent there be 2 minutes of debate, equally divided in the usual form, prior to the vote on adoption of S. Con. Res. 3.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ENZI. Mr. President, the repeal resolution we have been debating in the Senate this week will complete the first step toward reducing the Federal Government's role that has prevented Americans from pursuing affordable and accessible health care that meets their needs without emptying their wallets. After we complete our repeal work, the Senate can then vigorously pursue putting the Nation on a more responsible and sustainable fiscal path and address government's out-of-control spending and mammoth national debt when we begin our work on the fiscal year 2018 budget.

This resolution will set the stage for true legislative relief from ObamaCare that Americans have long demanded while ensuring a stable transition in which those with insurance will not lose access to health care coverage. This will allow us to move step-by-step on a new set of reforms, listening carefully to the advice of millions of Americans affected or as Senator ALEXANDER of Tennessee—the chairman of the Health, Education, Labor, and Pensions Committee—put it, the ObamaCare bridge is collapsing, and we are sending in a rescue team. We will then build new bridges to better health care, and finally, when these new bridges are finished, we will close the old bridge.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, the adoption of this budget resolution will allow Republicans to come back to the floor of the Senate with a budget reconciliation package which will repeal the ACA with a simple majority. If they do that, up to 30 million Americans will lose their health care, with many thousands dying as a result. Because if you have no health insurance and you can't go to a doctor or a hospital, you die.

Medicare will be converted into a voucher program. Medicaid will be decimated. Rural hospitals will be closed, and they have no alternative proposition. They want to kill ACA, but they have no idea about how they are going to bring forth a substitute proposal. This is not what the American people want. This is irresponsible. This is dangerous. This should be defeated.

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on adoption of S. Con. Res. 3.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

Mr. SCHUMER. Mr. President, on behalf of the tens of millions of Americans who will have their costs go up—

The PRESIDING OFFICER. Debate is not in order during a rollcall vote.

Mr. SCHUMER.—whether they are in the exchange or not, if ACA is repealed, I vote no.

The PRESIDING OFFICER. The Democratic leader is not in order.

Debate is not in order during a vote.

The Senator from Illinois.

Mr. DURBIN. How am I recorded?

On behalf of the downstate hospitals of Illinois, I vote no.

The PRESIDING OFFICER. Debate is not in order during a vote.

Mrs. MURRAY. For those who have a preexisting condition, I vote no.

The PRESIDING OFFICER. Debate is not in order during a vote.

Ms. STABENOW. On behalf of the people of Michigan—

The PRESIDING OFFICER. Debate is not in order during a vote.

Ms. STABENOW.—I vote no.

The PRESIDING OFFICER. The Senator will be in order.

Mr. SANDERS. How am I recorded?

On behalf of elderly people who cannot afford higher prescription drugs, I vote no.

The PRESIDING OFFICER. Debate is not in order during a vote.

The Senate will be in order.

Mr. LEAHY. Mr. President, how am I recorded?

The PRESIDING OFFICER. The Senator is not recorded.

Mr. LEAHY. I join my colleague from Vermont, and I vote no.

Mr. NELSON. I vote no.

Mrs. MCCASKILL. Because there is no replace, I vote no.

The PRESIDING OFFICER. Debate is not allowed during a vote.

Mr. CARDIN. Mr. President, on behalf of the people of Maryland, I vote no.

Mr. BROWN. How am I recorded?

The PRESIDING OFFICER. The Senator is not recorded.

Mr. BROWN. On behalf of 700,000 Ohioans losing their insurance, I vote no.

The PRESIDING OFFICER. Debate is not allowed during a vote.

Ms. CANTWELL. How am I recorded?

This is not business as usual.

The PRESIDING OFFICER. Debate is not allowed during a vote.

The Senate will be in order.

Ms. CANTWELL. You are stealing health care from Americans. I vote no.

The PRESIDING OFFICER. The Senator will be in order.

Mr. KAINE. Madam Clerk, when I was sick, you visited me. I vote no.

The PRESIDING OFFICER. Debate is not allowed during a vote.

The Senate will be in order.

Mrs. SHAHEEN. Madam Clerk, how am I recorded?

The PRESIDING OFFICER. The Senator is not recorded.

Mrs. SHAHEEN. On behalf of hundreds of thousands of New Hampshire—

The PRESIDING OFFICER. The Senator will be in order.

Debate is not allowed during a vote.

Mrs. SHAHEEN.—patients who need health care, I vote no.

The PRESIDING OFFICER. Debate is not allowed during a vote.

Mr. HEINRICH. Madam Clerk, how am I recorded?

The PRESIDING OFFICER. The Senator is not recorded.

Mr. HEINRICH. On behalf of all the children of New Mexico—

The PRESIDING OFFICER. Debate is not allowed during a vote.

The Senate will be in order.

Mr. HEINRICH.—who gained coverage from Medicaid expansion, I vote no.

The PRESIDING OFFICER. The Senator will be in order.

Mr. DONNELLY. Madam Clerk, how am I recorded?

The PRESIDING OFFICER. The Senator is not recorded.

Mr. DONNELLY. On behalf of the people of Indiana, I vote no.

The PRESIDING OFFICER. Debate is not allowed during a vote.

The Senate will be in order.

Ms. KLOBUCHAR. Madam Clerk, how am I recorded?

The PRESIDING OFFICER. The Senator is not recorded.

Ms. KLOBUCHAR. Because there is no plan in the alternative, I vote no.

The PRESIDING OFFICER. Debate is not allowed during a vote.

The Senate will be in order.

Ms. BALDWIN. Madam Clerk, how am I recorded?

The PRESIDING OFFICER. The Senator is not recorded.

Ms. BALDWIN. I vote no because—

The PRESIDING OFFICER. Debate is not allowed during a vote.

The Senate will be in order.

Ms. BALDWIN.—the people of Wisconsin did not send me here to take away their health care.

Mr. MERKLEY. Madam Clerk, how am I recorded?

The PRESIDING OFFICER. The Senator is not recorded.

Mr. MERKLEY. Because repeal and run will hurt hundreds of thousands of Oregonians—

The PRESIDING OFFICER. Debate is not allowed during a vote.

The Senate will be in order.

Mr. MERKLEY.—I vote no.

The PRESIDING OFFICER. The Senator will be in order.

Mr. COONS. Madam Clerk, how am I recorded?

The PRESIDING OFFICER. The Senator is not recorded.

Mr. COONS. On behalf of the many Delawareans who will be without health care through repeal without replace—

The PRESIDING OFFICER. Debate is not allowed during a vote.

The Senate will be in order.

Mr. COONS.—I vote no.

Mr. TESTER. Madam Clerk, how am I recorded?

The PRESIDING OFFICER. The Senator is not recorded.

Mr. TESTER. On behalf of the 69 hospitals in Montana—

The PRESIDING OFFICER. Debate is not allowed during a vote.

The Senate will be in order.

Mr. TESTER.—I vote no.

Ms. DUCKWORTH. Madam Clerk, how am I recorded?

The PRESIDING OFFICER. The Senator is not recorded.

Ms. DUCKWORTH. On behalf of the 1.2 million Illinoisans—

The PRESIDING OFFICER. Debate is not allowed during a vote.

The Senate will be in order.

Ms. DUCKWORTH.—who will lose health insurance with this repeal of the ACA and for all those with preexisting conditions, I stand on prosthetic legs to vote no.

Mr. CASEY. Madam Clerk, how am I recorded?

The PRESIDING OFFICER. The Senator is not recorded.

Mr. CASEY. I vote no—

The PRESIDING OFFICER. Debate is not allowed during a vote.

The Senate will be in order.

Mr. CASEY.—on behalf of the children of Pennsylvania.

Ms. CORTEZ MASTO. Madam Clerk, how am I recorded?

The PRESIDING OFFICER. The Senator is not recorded.

Ms. CORTEZ MASTO. On behalf of the thousands of Nevadans—

The PRESIDING OFFICER. Debate is not allowed during a vote.

The Senate will be in order.

Ms. CORTEZ MASTO.—who will lose health care, I vote no.

Mr. SCHATZ. Madam Clerk, how am I recorded?

The PRESIDING OFFICER. The Senator is not recorded.

Mr. SCHATZ. I vote no on behalf of the people who need mental health care.

The PRESIDING OFFICER. Debate is not allowed during a vote.

Mrs. GILLIBRAND. Madam Clerk, how am I recorded?

The PRESIDING OFFICER. The Senator is not recorded.

Mrs. GILLIBRAND. I vote no—

The PRESIDING OFFICER. Debate is not allowed during a vote.

The Senate will be in order.

Mrs. GILLIBRAND.—on behalf of all the women who need health care.

Mr. MURPHY. Madam Clerk, how am I recorded?

The PRESIDING OFFICER. The Senator is not recorded.

Mr. MURPHY. This is cruel and inhumane.

The PRESIDING OFFICER. Debate is not allowed during a vote.

The Senate will be in order.

Mr. MURPHY. I vote no.

Ms. HASSAN. Madam Clerk, how am I recorded?

The PRESIDING OFFICER. The Senator is not recorded.



Ms. HASSAN. On behalf of the thousands of New Hampshire residents—

The PRESIDING OFFICER. Debate is not allowed during a vote.

The Senate will be in order.

Ms. HASSAN.—who will lose treatment, I vote no.

Ms. HIRONO. Madam Clerk, how am I recorded?

The PRESIDING OFFICER. The Senator is not recorded.

Ms. HIRONO. On behalf of the 200,000 seniors in Hawaii on Medicare—

The PRESIDING OFFICER. Debate is not allowed during a vote.

The Senate will be in order.

Ms. HIRONO.—I vote no.

Mr. WARNER. Madam Clerk, how am I recorded?

The PRESIDING OFFICER. The Senator is not recorded.

Mr. WARNER. On behalf of the children of the Commonwealth of Virginia I vote no.

The PRESIDING OFFICER. Debate is not allowed during a vote.

The Senate will be in order.

Mr. BLUMENTHAL. Madam Clerk, how am I recorded?

The PRESIDING OFFICER. The Senator is not recorded.

Mr. BLUMENTHAL. Madam Clerk, on behalf of all the people mentioned here tonight—

The PRESIDING OFFICER. Debate is not allowed during a vote.

The Senate will be in order.

Mr. BLUMENTHAL.—and all who will be mentioned, and on behalf of the people of Connecticut, I vote no.

Mr. WYDEN. Madam Clerk, because health care—

The PRESIDING OFFICER. Debate is not allowed during a vote.

The Senate will be in order.

Mr. WYDEN.—should not just be for the healthy and wealthy, I vote no.

Mr. WHITEHOUSE. Madam Clerk, how am I recorded?

The PRESIDING OFFICER. The Senator is not recorded.

Mr. WHITEHOUSE. On behalf of 14-year-old Charlie, in Woonsocket, RI, who suffers from neurofibromatosis and can stay on his parents' policy until he is 26—

The PRESIDING OFFICER. Debate is not allowed during a vote.

The Senate will be in order.

Mr. WHITEHOUSE.—and cannot be denied health care for his preexisting condition, I vote no.

Mr. REED. Madam Clerk, for the people of Rhode Island I vote no.

The PRESIDING OFFICER. Debate is not allowed during a vote.

The Senate will come to order.

Mr. FRANKEN. Madam Clerk, how am I recorded?

The PRESIDING OFFICER. The Senator is not recorded.

Mr. FRANKEN. I vote no—

The PRESIDING OFFICER. Debate is not allowed during a vote.

The Senate will be in order.

The clerk will continue to call the roll.

Mr. FRANKEN.—on behalf of the more than 2.3 million Minnesotans who

can no longer be discriminated against because of the ACA.

Ms. WARREN. Madam Clerk, how am I recorded?

The PRESIDING OFFICER. The Senator is not recorded.

Ms. WARREN. Madam Clerk, on behalf of the Republicans and Democrats—

The PRESIDING OFFICER. Debate is not allowed during a vote.

The Senator is out of order.

The Senator may vote.

Ms. WARREN.—who worked for a decade in Massachusetts to bring health care to 97 percent of our people, I vote no.

Mr. KING. Madam Clerk, how am I recorded?

The PRESIDING OFFICER. The Senator is not recorded.

Mr. KING. My conscience compels me to vote no.

The PRESIDING OFFICER. Debate is not allowed during a vote.

The Senate will be in order.

Ms. HARRIS. Madam Clerk, how am I recorded?

The PRESIDING OFFICER. The Senator is not recorded.

Ms. HARRIS. On behalf of the 5 million Californians—

The PRESIDING OFFICER. Debate is not allowed during a vote.

The Senate will be in order.

The Senator may vote.

Ms. HARRIS.—who will be stripped of their right to have health care, my vote is no.

The clerk will continue to call the roll.

Mr. MANCHIN. Mr. President, on behalf of the great people of West Virginia, I vote no.

The PRESIDING OFFICER. Debate is not in order during a vote.

The Senate will be in order.

Mr. PETERS. Mr. President, how am I recorded?

The PRESIDING OFFICER. The Senator is not recorded.

Mr. PETERS. Mr. President, on behalf of the people of Michigan—

The PRESIDING OFFICER. Debate is not allowed during a vote.

The Senate will come to order.

Mr. PETERS.—the over 800,000 who will be having their insurance repealed—I vote no.

Mr. UDALL. Mr. President, how am I recorded?

The PRESIDING OFFICER. The Senator is not recorded.

Mr. UDALL. I vote no—

The PRESIDING OFFICER. Debate is not allowed during a vote.

The Senate will be in order.

Mr. UDALL.—because this will hurt the citizens of New Mexico and the Republicans have no plan—no plan.

Mr. VAN HOLLEN. Mr. President, how am I recorded?

The PRESIDING OFFICER. The Senator is not recorded.

Mr. VAN HOLLEN. Because it is wrong to repeal and run—

The PRESIDING OFFICER. Debate is not allowed during a vote.

The Senate will be in order.

The Senator will suspend.

Mr. VAN HOLLEN.—I vote no.

Mr. MARKEY. Madam Clerk, how am I recorded?

The PRESIDING OFFICER. The Senator is not recorded.

Mr. MARKEY. Madam Clerk, I wish to be recorded no for the millions—

The PRESIDING OFFICER. Debate is not allowed during a vote.

The Senate will come to order.

Mr. MARKEY.—who will lose opioid coverage for their addiction.

The PRESIDING OFFICER. The Senator will suspend debate.

Mr. BENNET. Mr. President, how am I recorded?

The PRESIDING OFFICER. The Senator is not recorded.

Mr. BENNET. Thank you, Mr. President. I vote no on behalf of the children—

The PRESIDING OFFICER. Debate is not allowed during a vote.

The Senate will be in order.

Mr. BENNET.—of Colorado.

The PRESIDING OFFICER. The Senator from Colorado will suspend.

Ms. HEITKAMP. Mr. President, how am I recorded?

The PRESIDING OFFICER. The Senator is not recorded.

Ms. HEITKAMP. On behalf of the thousands of people—

The PRESIDING OFFICER. The Senator will suspend.

Debate it not allowed during a vote.

The Senate will be in order.

Ms. HEITKAMP.—who receive health care in my State in rural hospitals who do not know how they are going to get health care if this passes without a replacement, I vote no.

Mr. CARPER. Mr. President, how am I recorded?

The PRESIDING OFFICER. The Senator is not recorded.

Mr. CARPER. On behalf of the people—

The PRESIDING OFFICER. Debate is not allowed during a vote.

The Senate will be in order.

Mr. CARPER.—in the State of Delaware, I vote no.

Mr. MENENDEZ. Mr. President, how am I recorded?

The PRESIDING OFFICER. The Senator is not recorded.

Mr. MENENDEZ. I am not recorded. No to no protections.

The PRESIDING OFFICER. Debate is not allowed during a vote.

The Senate will be in order.

The Senator from New Jersey.

Mr. BOOKER. Mr. President, how am I recorded?

The PRESIDING OFFICER. The Senator is not recorded.

Mr. BOOKER. I vote no for New Jersey.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 48, as follows:

(Rollcall Vote No. 26 Leg.)

## YEAS—51

Alexander	Fischer	Murkowski
Barrasso	Flake	Perdue
Blunt	Gardner	Portman
Boozman	Graham	Risch
Burr	Grassley	Roberts
Capito	Hatch	Rounds
Cassidy	Heller	Rubio
Cochran	Hoehen	Sasse
Collins	Inhofe	Scott
Corker	Isakson	Sessions
Cornyn	Johnson	Shelby
Cotton	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	McCain	Toomey
Enzi	McConnell	Wicker
Ernst	Moran	Young

## NAYS—48

Baldwin	Harris	Nelson
Bennet	Hassan	Paul
Blumenthal	Heinrich	Peters
Booker	Heitkamp	Reed
Brown	Hirono	Sanders
Cantwell	Kaine	Schatz
Cardin	King	Schumer
Carper	Klobuchar	Shaheen
Casey	Leahy	Stabenow
Coons	Manchin	Tester
Cortez Masto	Markey	Udall
Donnelly	McCaskill	Van Hollen
Duckworth	Menendez	Warner
Durbin	Merkley	Warren
Franken	Murphy	Whitehouse
Gillibrand	Murray	Wyden

## NOT VOTING—1

Feinstein

The concurrent resolution (S. Con. Res. 3) was agreed to, as follows:

## S. CON. RES. 3

## CONCURRENT RESOLUTION

*Resolved by the Senate (the House of Representatives concurring),*

**SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2017.**

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2017 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2018 through 2026.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2017.

**TITLE I—RECOMMENDED LEVELS AND AMOUNTS****Subtitle A—Budgetary Levels in Both Houses**

Sec. 1101. Recommended levels and amounts.  
Sec. 1102. Major functional categories.

**Subtitle B—Levels and Amounts in the Senate**

Sec. 1201. Social Security in the Senate.  
Sec. 1202. Postal Service discretionary administrative expenses in the Senate.

**TITLE II—RECONCILIATION**

Sec. 2001. Reconciliation in the Senate.  
Sec. 2002. Reconciliation in the House of Representatives.

**TITLE III—RESERVE FUNDS**

Sec. 3001. Deficit-neutral reserve fund for health care legislation.  
Sec. 3002. Reserve fund for health care legislation.

**TITLE IV—OTHER MATTERS**

Sec. 4001. Enforcement filing.  
Sec. 4002. Budgetary treatment of administrative expenses.  
Sec. 4003. Application and effect of changes in allocations and aggregates.  
Sec. 4004. Exercise of rulemaking powers.

**TITLE I—RECOMMENDED LEVELS AND AMOUNTS****Subtitle A—Budgetary Levels in Both Houses****SEC. 1101. RECOMMENDED LEVELS AND AMOUNTS.**

The following budgetary levels are appropriate for each of fiscal years 2017 through 2026:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2017: \$2,682,088,000,000.  
Fiscal year 2018: \$2,787,834,000,000.  
Fiscal year 2019: \$2,884,637,000,000.  
Fiscal year 2020: \$3,012,645,000,000.  
Fiscal year 2021: \$3,131,369,000,000.  
Fiscal year 2022: \$3,262,718,000,000.  
Fiscal year 2023: \$3,402,888,000,000.  
Fiscal year 2024: \$3,556,097,000,000.  
Fiscal year 2025: \$3,727,756,000,000.  
Fiscal year 2026: \$3,903,628,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2017: \$0.  
Fiscal year 2018: \$0.  
Fiscal year 2019: \$0.  
Fiscal year 2020: \$0.  
Fiscal year 2021: \$0.  
Fiscal year 2022: \$0.  
Fiscal year 2023: \$0.  
Fiscal year 2024: \$0.  
Fiscal year 2025: \$0.  
Fiscal year 2026: \$0.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2017: \$3,308,000,000,000.  
Fiscal year 2018: \$3,350,010,000,000.  
Fiscal year 2019: \$3,590,479,000,000.  
Fiscal year 2020: \$3,779,449,000,000.  
Fiscal year 2021: \$3,947,834,000,000.  
Fiscal year 2022: \$4,187,893,000,000.  
Fiscal year 2023: \$4,336,952,000,000.  
Fiscal year 2024: \$4,473,818,000,000.  
Fiscal year 2025: \$4,726,484,000,000.  
Fiscal year 2026: \$4,961,154,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2017: \$3,264,662,000,000.  
Fiscal year 2018: \$3,329,394,000,000.  
Fiscal year 2019: \$3,558,237,000,000.  
Fiscal year 2020: \$3,741,304,000,000.  
Fiscal year 2021: \$3,916,533,000,000.  
Fiscal year 2022: \$4,159,803,000,000.  
Fiscal year 2023: \$4,295,742,000,000.  
Fiscal year 2024: \$4,419,330,000,000.  
Fiscal year 2025: \$4,673,813,000,000.  
Fiscal year 2026: \$4,912,205,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2017: \$582,574,000,000.  
Fiscal year 2018: \$541,560,000,000.  
Fiscal year 2019: \$673,600,000,000.  
Fiscal year 2020: \$728,659,000,000.  
Fiscal year 2021: \$785,164,000,000.  
Fiscal year 2022: \$897,085,000,000.  
Fiscal year 2023: \$892,854,000,000.  
Fiscal year 2024: \$863,233,000,000.  
Fiscal year 2025: \$946,057,000,000.  
Fiscal year 2026: \$1,008,577,000,000.

(5) PUBLIC DEBT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974 (2 U.S.C. 632(a)(5)), the appropriate levels of the public debt are as follows:

Fiscal year 2017: \$20,034,788,000,000.  
Fiscal year 2018: \$20,784,183,000,000.  
Fiscal year 2019: \$21,625,729,000,000.  
Fiscal year 2020: \$22,504,763,000,000.  
Fiscal year 2021: \$23,440,271,000,000.  
Fiscal year 2022: \$24,509,421,000,000.  
Fiscal year 2023: \$25,605,527,000,000.

Fiscal year 2024: \$26,701,273,000,000.

Fiscal year 2025: \$27,869,175,000,000.

Fiscal year 2026: \$29,126,158,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2017: \$14,593,316,000,000.  
Fiscal year 2018: \$15,198,740,000,000.  
Fiscal year 2019: \$15,955,144,000,000.  
Fiscal year 2020: \$16,791,740,000,000.  
Fiscal year 2021: \$17,713,599,000,000.  
Fiscal year 2022: \$18,787,230,000,000.  
Fiscal year 2023: \$19,901,290,000,000.  
Fiscal year 2024: \$21,033,163,000,000.  
Fiscal year 2025: \$22,301,661,000,000.  
Fiscal year 2026: \$23,691,844,000,000.

**SEC. 1102. MAJOR FUNCTIONAL CATEGORIES.**

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2017 through 2026 for each major functional category are:

(1) National Defense (050):

Fiscal year 2017:

(A) New budget authority, \$623,910,000,000.

(B) Outlays, \$603,716,000,000.

Fiscal year 2018:

(A) New budget authority, \$618,347,000,000.

(B) Outlays, \$601,646,000,000.

Fiscal year 2019:

(A) New budget authority, \$632,742,000,000.

(B) Outlays, \$617,943,000,000.

Fiscal year 2020:

(A) New budget authority, \$648,198,000,000.

(B) Outlays, \$632,435,000,000.

Fiscal year 2021:

(A) New budget authority, \$663,703,000,000.

(B) Outlays, \$646,853,000,000.

Fiscal year 2022:

(A) New budget authority, \$679,968,000,000.

(B) Outlays, \$666,926,000,000.

Fiscal year 2023:

(A) New budget authority, \$696,578,000,000.

(B) Outlays, \$678,139,000,000.

Fiscal year 2024:

(A) New budget authority, \$713,664,000,000.

(B) Outlays, \$689,531,000,000.

Fiscal year 2025:

(A) New budget authority, \$731,228,000,000.

(B) Outlays, \$711,423,000,000.

Fiscal year 2026:

(A) New budget authority, \$750,069,000,000.

(B) Outlays, \$729,616,000,000.

(2) International Affairs (150):

Fiscal year 2017:

(A) New budget authority, \$61,996,000,000.

(B) Outlays, \$51,907,000,000.

Fiscal year 2018:

(A) New budget authority, \$60,099,000,000.

(B) Outlays, \$53,541,000,000.

Fiscal year 2019:

(A) New budget authority, \$61,097,000,000.

(B) Outlays, \$55,800,000,000.

Fiscal year 2020:

(A) New budget authority, \$60,686,000,000.

(B) Outlays, \$57,690,000,000.

Fiscal year 2021:

(A) New budget authority, \$61,085,000,000.

(B) Outlays, \$58,756,000,000.

Fiscal year 2022:

(A) New budget authority, \$62,576,000,000.

(B) Outlays, \$60,205,000,000.

Fiscal year 2023:

(A) New budget authority, \$64,141,000,000.

(B) Outlays, \$61,513,000,000.

Fiscal year 2024:

(A) New budget authority, \$65,588,000,000.

(B) Outlays, \$62,705,000,000.

Fiscal year 2025:

(A) New budget authority, \$67,094,000,000.

(B) Outlays, \$63,915,000,000.

Fiscal year 2026:

(A) New budget authority, \$68,692,000,000.

(B) Outlays, \$65,305,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 2017:

(A) New budget authority, \$31,562,000,000.

- (B) Outlays, \$30,988,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$32,787,000,000.  
(B) Outlays, \$32,225,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$33,476,000,000.  
(B) Outlays, \$32,978,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$34,202,000,000.  
(B) Outlays, \$33,645,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$34,961,000,000.  
(B) Outlays, \$34,313,000,000.  
Fiscal year 2022:  
(A) New budget authority, \$35,720,000,000.  
(B) Outlays, \$35,038,000,000.  
Fiscal year 2023:  
(A) New budget authority, \$36,516,000,000.  
(B) Outlays, \$35,812,000,000.  
Fiscal year 2024:  
(A) New budget authority, \$37,318,000,000.  
(B) Outlays, \$36,580,000,000.  
Fiscal year 2025:  
(A) New budget authority, \$38,151,000,000.  
(B) Outlays, \$37,393,000,000.  
Fiscal year 2026:  
(A) New budget authority, \$39,021,000,000.  
(B) Outlays, \$38,238,000,000.  
(4) Energy (270):  
Fiscal year 2017:  
(A) New budget authority, \$4,773,000,000.  
(B) Outlays, \$3,455,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$4,509,000,000.  
(B) Outlays, \$3,495,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$4,567,000,000.  
(B) Outlays, \$4,058,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$4,975,000,000.  
(B) Outlays, \$4,456,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$5,109,000,000.  
(B) Outlays, \$4,523,000,000.  
Fiscal year 2022:  
(A) New budget authority, \$5,019,000,000.  
(B) Outlays, \$4,332,000,000.  
Fiscal year 2023:  
(A) New budget authority, \$4,083,000,000.  
(B) Outlays, \$3,337,000,000.  
Fiscal year 2024:  
(A) New budget authority, \$3,590,000,000.  
(B) Outlays, \$2,796,000,000.  
Fiscal year 2025:  
(A) New budget authority, \$3,608,000,000.  
(B) Outlays, \$2,755,000,000.  
Fiscal year 2026:  
(A) New budget authority, \$5,955,000,000.  
(B) Outlays, \$5,124,000,000.  
(5) Natural Resources and Environment (300):  
Fiscal year 2017:  
(A) New budget authority, \$41,264,000,000.  
(B) Outlays, \$42,254,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$43,738,000,000.  
(B) Outlays, \$44,916,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$44,486,000,000.  
(B) Outlays, \$45,425,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$46,201,000,000.  
(B) Outlays, \$46,647,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$47,126,000,000.  
(B) Outlays, \$47,457,000,000.  
Fiscal year 2022:  
(A) New budget authority, \$48,203,000,000.  
(B) Outlays, \$48,388,000,000.  
Fiscal year 2023:  
(A) New budget authority, \$49,403,000,000.  
(B) Outlays, \$49,536,000,000.  
Fiscal year 2024:  
(A) New budget authority, \$50,497,000,000.  
(B) Outlays, \$50,055,000,000.  
Fiscal year 2025:  
(A) New budget authority, \$51,761,000,000.  
(B) Outlays, \$51,164,000,000.  
Fiscal year 2026:  
(A) New budget authority, \$53,017,000,000.  
(B) Outlays, \$51,915,000,000.  
(6) Agriculture (350):  
Fiscal year 2017:  
(A) New budget authority, \$25,214,000,000.  
(B) Outlays, \$24,728,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$26,148,000,000.  
(B) Outlays, \$24,821,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$23,483,000,000.  
(B) Outlays, \$21,927,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$22,438,000,000.  
(B) Outlays, \$21,751,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$22,834,000,000.  
(B) Outlays, \$22,179,000,000.  
Fiscal year 2022:  
(A) New budget authority, \$22,600,000,000.  
(B) Outlays, \$21,984,000,000.  
Fiscal year 2023:  
(A) New budget authority, \$23,037,000,000.  
(B) Outlays, \$22,437,000,000.  
Fiscal year 2024:  
(A) New budget authority, \$23,018,000,000.  
(B) Outlays, \$22,409,000,000.  
Fiscal year 2025:  
(A) New budget authority, \$23,343,000,000.  
(B) Outlays, \$22,714,000,000.  
Fiscal year 2026:  
(A) New budget authority, \$23,812,000,000.  
(B) Outlays, \$23,192,000,000.  
(7) Commerce and Housing Credit (370):  
Fiscal year 2017:  
(A) New budget authority, \$14,696,000,000.  
(B) Outlays, \$666,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$16,846,000,000.  
(B) Outlays, \$1,378,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$18,171,000,000.  
(B) Outlays, \$5,439,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$15,799,000,000.  
(B) Outlays, \$2,666,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$14,821,000,000.  
(B) Outlays, \$915,000,000.  
Fiscal year 2022:  
(A) New budget authority, \$15,408,000,000.  
(B) Outlays, \$674,000,000.  
Fiscal year 2023:  
(A) New budget authority, \$15,739,000,000.  
(B) Outlays, —\$840,000,000.  
Fiscal year 2024:  
(A) New budget authority, \$16,143,000,000.  
(B) Outlays, —\$1,688,000,000.  
Fiscal year 2025:  
(A) New budget authority, \$17,889,000,000.  
(B) Outlays, —\$2,003,000,000.  
Fiscal year 2026:  
(A) New budget authority, \$17,772,000,000.  
(B) Outlays, —\$2,238,000,000.  
(8) Transportation (400):  
Fiscal year 2017:  
(A) New budget authority, \$92,782,000,000.  
(B) Outlays, \$91,684,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$94,400,000,000.  
(B) Outlays, \$93,214,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$96,522,000,000.  
(B) Outlays, \$95,683,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$91,199,000,000.  
(B) Outlays, \$97,992,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$92,154,000,000.  
(B) Outlays, \$99,772,000,000.  
Fiscal year 2022:  
(A) New budget authority, \$93,111,000,000.  
(B) Outlays, \$101,692,000,000.  
Fiscal year 2023:  
(A) New budget authority, \$94,118,000,000.  
(B) Outlays, \$103,431,000,000.  
Fiscal year 2024:  
(A) New budget authority, \$95,143,000,000.  
(B) Outlays, \$105,313,000,000.  
Fiscal year 2025:  
(A) New budget authority, \$96,209,000,000.  
(B) Outlays, \$107,374,000,000.  
Fiscal year 2026:  
(A) New budget authority, \$97,323,000,000.  
(B) Outlays, \$109,188,000,000.  
(9) Community and Regional Development (450):  
Fiscal year 2017:  
(A) New budget authority, \$19,723,000,000.  
(B) Outlays, \$22,477,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$19,228,000,000.  
(B) Outlays, \$21,277,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$19,457,000,000.  
(B) Outlays, \$20,862,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$19,941,000,000.  
(B) Outlays, \$20,011,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$20,384,000,000.  
(B) Outlays, \$21,048,000,000.  
Fiscal year 2022:  
(A) New budget authority, \$20,825,000,000.  
(B) Outlays, \$19,831,000,000.  
Fiscal year 2023:  
(A) New budget authority, \$21,288,000,000.  
(B) Outlays, \$19,535,000,000.  
Fiscal year 2024:  
(A) New budget authority, \$21,756,000,000.  
(B) Outlays, \$19,787,000,000.  
Fiscal year 2025:  
(A) New budget authority, \$22,245,000,000.  
(B) Outlays, \$19,285,000,000.  
Fiscal year 2026:  
(A) New budget authority, \$22,751,000,000.  
(B) Outlays, \$20,037,000,000.  
(10) Education, Training, Employment, and Social Services (500):  
Fiscal year 2017:  
(A) New budget authority, \$104,433,000,000.  
(B) Outlays, \$104,210,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$108,980,000,000.  
(B) Outlays, \$112,802,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$112,424,000,000.  
(B) Outlays, \$110,765,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$114,905,000,000.  
(B) Outlays, \$113,377,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$116,921,000,000.  
(B) Outlays, \$115,591,000,000.  
Fiscal year 2022:  
(A) New budget authority, \$119,027,000,000.  
(B) Outlays, \$117,545,000,000.  
Fiscal year 2023:  
(A) New budget authority, \$121,298,000,000.  
(B) Outlays, \$119,761,000,000.  
Fiscal year 2024:  
(A) New budget authority, \$123,621,000,000.  
(B) Outlays, \$122,001,000,000.  
Fiscal year 2025:  
(A) New budget authority, \$126,016,000,000.  
(B) Outlays, \$124,359,000,000.  
Fiscal year 2026:  
(A) New budget authority, \$128,391,000,000.  
(B) Outlays, \$126,748,000,000.  
(11) Health (550):  
Fiscal year 2017:  
(A) New budget authority, \$562,137,000,000.  
(B) Outlays, \$560,191,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$583,006,000,000.  
(B) Outlays, \$593,197,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$615,940,000,000.  
(B) Outlays, \$618,089,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$655,892,000,000.  
(B) Outlays, \$645,814,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$677,902,000,000.  
(B) Outlays, \$676,781,000,000.

## Fiscal year 2022:

(A) New budget authority, \$711,176,000,000.  
(B) Outlays, \$709,301,000,000.

## Fiscal year 2023:

(A) New budget authority, \$744,335,000,000.  
(B) Outlays, \$742,568,000,000.

## Fiscal year 2024:

(A) New budget authority, \$780,899,000,000.  
(B) Outlays, \$778,293,000,000.

## Fiscal year 2025:

(A) New budget authority, \$818,388,000,000.  
(B) Outlays, \$815,246,000,000.

## Fiscal year 2026:

(A) New budget authority, \$857,176,000,000.  
(B) Outlays, \$853,880,000,000.

## (12) Medicare (570):

## Fiscal year 2017:

(A) New budget authority, \$600,857,000,000.  
(B) Outlays, \$600,836,000,000.

## Fiscal year 2018:

(A) New budget authority, \$600,832,000,000.  
(B) Outlays, \$600,762,000,000.

## Fiscal year 2019:

(A) New budget authority, \$667,638,000,000.  
(B) Outlays, \$667,571,000,000.

## Fiscal year 2020:

(A) New budget authority, \$716,676,000,000.  
(B) Outlays, \$716,575,000,000.

## Fiscal year 2021:

(A) New budget authority, \$767,911,000,000.  
(B) Outlays, \$767,814,000,000.

## Fiscal year 2022:

(A) New budget authority, \$862,042,000,000.  
(B) Outlays, \$861,941,000,000.

## Fiscal year 2023:

(A) New budget authority, \$886,515,000,000.  
(B) Outlays, \$886,407,000,000.

## Fiscal year 2024:

(A) New budget authority, \$903,861,000,000.  
(B) Outlays, \$903,750,000,000.

## Fiscal year 2025:

(A) New budget authority, \$1,007,624,000,000.  
(B) Outlays, \$1,007,510,000,000.

## Fiscal year 2026:

(A) New budget authority, \$1,085,293,000,000.  
(B) Outlays, \$1,085,173,000,000.

## (13) Income Security (600):

## Fiscal year 2017:

(A) New budget authority, \$518,181,000,000.  
(B) Outlays, \$511,658,000,000.

## Fiscal year 2018:

(A) New budget authority, \$524,233,000,000.  
(B) Outlays, \$511,612,000,000.

## Fiscal year 2019:

(A) New budget authority, \$542,725,000,000.  
(B) Outlays, \$534,067,000,000.

## Fiscal year 2020:

(A) New budget authority, \$558,241,000,000.  
(B) Outlays, \$549,382,000,000.

## Fiscal year 2021:

(A) New budget authority, \$571,963,000,000.  
(B) Outlays, \$563,481,000,000.

## Fiscal year 2022:

(A) New budget authority, \$590,120,000,000.  
(B) Outlays, \$587,572,000,000.

## Fiscal year 2023:

(A) New budget authority, \$599,505,000,000.  
(B) Outlays, \$592,338,000,000.

## Fiscal year 2024:

(A) New budget authority, \$609,225,000,000.  
(B) Outlays, \$597,287,000,000.

## Fiscal year 2025:

(A) New budget authority, \$630,433,000,000.  
(B) Outlays, \$619,437,000,000.

## Fiscal year 2026:

(A) New budget authority, \$646,660,000,000.  
(B) Outlays, \$641,957,000,000.

## (14) Social Security (650):

## Fiscal year 2017:

(A) New budget authority, \$37,199,000,000.  
(B) Outlays, \$37,227,000,000.

## Fiscal year 2018:

(A) New budget authority, \$40,124,000,000.  
(B) Outlays, \$40,141,000,000.

## Fiscal year 2019:

(A) New budget authority, \$43,373,000,000.  
(B) Outlays, \$43,373,000,000.

## Fiscal year 2020:

(A) New budget authority, \$46,627,000,000.  
(B) Outlays, \$46,627,000,000.

## Fiscal year 2021:

(A) New budget authority, \$50,035,000,000.  
(B) Outlays, \$50,035,000,000.

## Fiscal year 2022:

(A) New budget authority, \$53,677,000,000.  
(B) Outlays, \$53,677,000,000.

## Fiscal year 2023:

(A) New budget authority, \$57,540,000,000.  
(B) Outlays, \$57,540,000,000.

## Fiscal year 2024:

(A) New budget authority, \$61,645,000,000.  
(B) Outlays, \$61,645,000,000.

## Fiscal year 2025:

(A) New budget authority, \$66,076,000,000.  
(B) Outlays, \$66,076,000,000.

## Fiscal year 2026:

(A) New budget authority, \$70,376,000,000.  
(B) Outlays, \$70,376,000,000.

## (15) Veterans Benefits and Services (700):

## Fiscal year 2017:

(A) New budget authority, \$177,448,000,000.  
(B) Outlays, \$182,448,000,000.

## Fiscal year 2018:

(A) New budget authority, \$178,478,000,000.  
(B) Outlays, \$179,109,000,000.

## Fiscal year 2019:

(A) New budget authority, \$193,088,000,000.  
(B) Outlays, \$192,198,000,000.

## Fiscal year 2020:

(A) New budget authority, \$199,907,000,000.  
(B) Outlays, \$198,833,000,000.

## Fiscal year 2021:

(A) New budget authority, \$206,700,000,000.  
(B) Outlays, \$205,667,000,000.

## Fiscal year 2022:

(A) New budget authority, \$223,542,000,000.  
(B) Outlays, \$222,308,000,000.

## Fiscal year 2023:

(A) New budget authority, \$221,861,000,000.  
(B) Outlays, \$220,563,000,000.

## Fiscal year 2024:

(A) New budget authority, \$219,382,000,000.  
(B) Outlays, \$218,147,000,000.

## Fiscal year 2025:

(A) New budget authority, \$237,641,000,000.  
(B) Outlays, \$236,254,000,000.

## Fiscal year 2026:

(A) New budget authority, \$245,565,000,000.  
(B) Outlays, \$244,228,000,000.

## (16) Administration of Justice (750):

## Fiscal year 2017:

(A) New budget authority, \$64,519,000,000.  
(B) Outlays, \$58,662,000,000.

## Fiscal year 2018:

(A) New budget authority, \$62,423,000,000.  
(B) Outlays, \$63,800,000,000.

## Fiscal year 2019:

(A) New budget authority, \$62,600,000,000.  
(B) Outlays, \$66,596,000,000.

## Fiscal year 2020:

(A) New budget authority, \$64,168,000,000.  
(B) Outlays, \$69,555,000,000.

## Fiscal year 2021:

(A) New budget authority, \$65,134,000,000.  
(B) Outlays, \$68,538,000,000.

## Fiscal year 2022:

(A) New budget authority, \$66,776,000,000.  
(B) Outlays, \$67,691,000,000.

## Fiscal year 2023:

(A) New budget authority, \$68,489,000,000.  
(B) Outlays, \$68,466,000,000.

## Fiscal year 2024:

(A) New budget authority, \$70,227,000,000.  
(B) Outlays, \$69,976,000,000.

## Fiscal year 2025:

(A) New budget authority, \$72,023,000,000.  
(B) Outlays, \$71,615,000,000.

## Fiscal year 2026:

(A) New budget authority, \$79,932,000,000.  
(B) Outlays, \$80,205,000,000.

## (17) General Government (800):

## Fiscal year 2017:

(A) New budget authority, \$25,545,000,000.  
(B) Outlays, \$24,318,000,000.

## Fiscal year 2018:

(A) New budget authority, \$27,095,000,000.

(B) Outlays, \$25,884,000,000.

## Fiscal year 2019:

(A) New budget authority, \$27,620,000,000.  
(B) Outlays, \$26,584,000,000.

## Fiscal year 2020:

(A) New budget authority, \$28,312,000,000.  
(B) Outlays, \$27,576,000,000.

## Fiscal year 2021:

(A) New budget authority, \$29,046,000,000.  
(B) Outlays, \$28,366,000,000.

## Fiscal year 2022:

(A) New budget authority, \$29,787,000,000.  
(B) Outlays, \$29,149,000,000.

## Fiscal year 2023:

(A) New budget authority, \$30,519,000,000.  
(B) Outlays, \$29,886,000,000.

## Fiscal year 2024:

(A) New budget authority, \$31,101,000,000.  
(B) Outlays, \$30,494,000,000.

## Fiscal year 2025:

(A) New budget authority, \$31,942,000,000.  
(B) Outlays, \$31,248,000,000.

## Fiscal year 2026:

(A) New budget authority, \$32,789,000,000.  
(B) Outlays, \$32,071,000,000.

## (18) Net Interest (900):

## Fiscal year 2017:

(A) New budget authority, \$393,295,000,000.  
(B) Outlays, \$393,295,000,000.

## Fiscal year 2018:

(A) New budget authority, \$453,250,000,000.  
(B) Outlays, \$453,250,000,000.

## Fiscal year 2019:

(A) New budget authority, \$526,618,000,000.  
(B) Outlays, \$526,618,000,000.

## Fiscal year 2020:

(A) New budget authority, \$590,571,000,000.  
(B) Outlays, \$590,571,000,000.

## Fiscal year 2021:

(A) New budget authority, \$645,719,000,000.  
(B) Outlays, \$645,719,000,000.

## Fiscal year 2022:

(A) New budget authority, \$698,101,000,000.  
(B) Outlays, \$698,101,000,000.

## Fiscal year 2023:

(A) New budget authority, \$755,288,000,000.  
(B) Outlays, \$755,288,000,000.

## Fiscal year 2024:

(A) New budget authority, \$806,202,000,000.  
(B) Outlays, \$806,202,000,000.

## Fiscal year 2025:

(A) New budget authority, \$854,104,000,000.  
(B) Outlays, \$854,104,000,000.

## Fiscal year 2026:

(A) New budget authority, \$903,443,000,000.  
(B) Outlays, \$903,443,000,000.

## (19) Allowances (920):

## Fiscal year 2017:

(A) New budget authority, —\$3,849,000,000.  
(B) Outlays, \$7,627,000,000.

## Fiscal year 2018:

(A) New budget authority, —\$56,166,000,000.  
(B) Outlays, —\$39,329,000,000.

## Fiscal year 2019:

(A) New budget authority, —\$55,423,000,000.  
(B) Outlays, —\$47,614,000,000.

## Fiscal year 2020:

(A) New budget authority, —\$58,021,000,000.  
(B) Outlays, —\$52,831,000,000.

## Fiscal year 2021:

(A) New budget authority, —\$61,491,000,000.  
(B) Outlays, —\$57,092,000,000.

## Fiscal year 2022:

(A) New budget authority, —\$63,493,000,000.  
(B) Outlays, —\$60,260,000,000.

## Fiscal year 2023:

(A) New budget authority, —\$65,783,000,000.  
(B) Outlays, —\$62,457,000,000.

## Fiscal year 2024:

(A) New budget authority, —\$67,817,000,000.  
(B) Outlays, —\$64,708,000,000.

## Fiscal year 2025:

(A) New budget authority, —\$70,127,000,000.  
(B) Outlays, —\$66,892,000,000.

## Fiscal year 2026:

(A) New budget authority, —\$69,097,000,000.  
(B) Outlays, —\$68,467,000,000.

## (20) Undistributed Offsetting Receipts (950):

Fiscal year 2017:

- (A) New budget authority, —\$87,685,000,000.
- (B) Outlays, —\$87,685,000,000.

Fiscal year 2018:

- (A) New budget authority, —\$88,347,000,000.
- (B) Outlays, —\$88,347,000,000.

Fiscal year 2019:

- (A) New budget authority, —\$80,125,000,000.
- (B) Outlays, —\$80,125,000,000.

Fiscal year 2020:

- (A) New budget authority, —\$81,468,000,000.
- (B) Outlays, —\$81,468,000,000.

Fiscal year 2021:

- (A) New budget authority, —\$84,183,000,000.
- (B) Outlays, —\$84,183,000,000.

Fiscal year 2022:

- (A) New budget authority, —\$86,292,000,000.
- (B) Outlays, —\$86,292,000,000.

Fiscal year 2023:

- (A) New budget authority, —\$87,518,000,000.
- (B) Outlays, —\$87,518,000,000.

Fiscal year 2024:

- (A) New budget authority, —\$91,245,000,000.
- (B) Outlays, —\$91,245,000,000.

Fiscal year 2025:

- (A) New budget authority, —\$99,164,000,000.
- (B) Outlays, —\$99,164,000,000.

Fiscal year 2026:

- (A) New budget authority, —\$97,786,000,000.
- (B) Outlays, —\$97,786,000,000.

#### Subtitle B—Levels and Amounts in the Senate

##### SEC. 1201. SOCIAL SECURITY IN THE SENATE.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974 (2 U.S.C. 633 and 642), the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

- Fiscal year 2017: \$826,048,000,000.
- Fiscal year 2018: \$857,618,000,000.
- Fiscal year 2019: \$886,810,000,000.
- Fiscal year 2020: \$918,110,000,000.
- Fiscal year 2021: \$950,341,000,000.
- Fiscal year 2022: \$984,537,000,000.
- Fiscal year 2023: \$1,020,652,000,000.
- Fiscal year 2024: \$1,058,799,000,000.
- Fiscal year 2025: \$1,097,690,000,000.
- Fiscal year 2026: \$1,138,243,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974 (2 U.S.C. 633 and 642), the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

- Fiscal year 2017: \$805,366,000,000.
- Fiscal year 2018: \$857,840,000,000.
- Fiscal year 2019: \$916,764,000,000.
- Fiscal year 2020: \$980,634,000,000.
- Fiscal year 2021: \$1,049,127,000,000.
- Fiscal year 2022: \$1,123,266,000,000.
- Fiscal year 2023: \$1,200,734,000,000.
- Fiscal year 2024: \$1,281,840,000,000.
- Fiscal year 2025: \$1,369,403,000,000.
- Fiscal year 2026: \$1,463,057,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

- Fiscal year 2017:
- (A) New budget authority, \$5,663,000,000.
- (B) Outlays, \$5,673,000,000.
- Fiscal year 2018:
- (A) New budget authority, \$6,021,000,000.
- (B) Outlays, \$5,987,000,000.
- Fiscal year 2019:
- (A) New budget authority, \$6,205,000,000.
- (B) Outlays, \$6,170,000,000.
- Fiscal year 2020:
- (A) New budget authority, \$6,393,000,000.
- (B) Outlays, \$6,357,000,000.

Fiscal year 2021:

- (A) New budget authority, \$6,589,000,000.
- (B) Outlays, \$6,552,000,000.

Fiscal year 2022:

- (A) New budget authority, \$6,787,000,000.
- (B) Outlays, \$6,750,000,000.

Fiscal year 2023:

- (A) New budget authority, \$6,992,000,000.
- (B) Outlays, \$6,953,000,000.

Fiscal year 2024:

- (A) New budget authority, \$7,206,000,000.
- (B) Outlays, \$7,166,000,000.

Fiscal year 2025:

- (A) New budget authority, \$7,428,000,000.
- (B) Outlays, \$7,387,000,000.

Fiscal year 2026:

- (A) New budget authority, \$7,659,000,000.
- (B) Outlays, \$7,615,000,000.

##### SEC. 1202. POSTAL SERVICE DISCRETIONARY ADMINISTRATIVE EXPENSES IN THE SENATE.

In the Senate, the amounts of new budget authority and budget outlays of the Postal Service for discretionary administrative expenses are as follows:

- Fiscal year 2017:
- (A) New budget authority, \$274,000,000.
- (B) Outlays, \$273,000,000.
- Fiscal year 2018:
- (A) New budget authority, \$283,000,000.
- (B) Outlays, \$283,000,000.
- Fiscal year 2019:
- (A) New budget authority, \$294,000,000.
- (B) Outlays, \$294,000,000.
- Fiscal year 2020:
- (A) New budget authority, \$304,000,000.
- (B) Outlays, \$304,000,000.
- Fiscal year 2021:
- (A) New budget authority, \$315,000,000.
- (B) Outlays, \$315,000,000.
- Fiscal year 2022:
- (A) New budget authority, \$326,000,000.
- (B) Outlays, \$325,000,000.
- Fiscal year 2023:
- (A) New budget authority, \$337,000,000.
- (B) Outlays, \$337,000,000.
- Fiscal year 2024:
- (A) New budget authority, \$350,000,000.
- (B) Outlays, \$349,000,000.
- Fiscal year 2025:
- (A) New budget authority, \$361,000,000.
- (B) Outlays, \$360,000,000.
- Fiscal year 2026:
- (A) New budget authority, \$374,000,000.
- (B) Outlays, \$373,000,000.

#### TITLE II—RECONCILIATION

##### SEC. 2001. RECONCILIATION IN THE SENATE.

(a) COMMITTEE ON FINANCE.—The Committee on Finance of the Senate shall report changes in laws within its jurisdiction to reduce the deficit by not less than \$1,000,000,000 for the period of fiscal years 2017 through 2026.

(b) COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.—The Committee on Health, Education, Labor, and Pensions of the Senate shall report changes in laws within its jurisdiction to reduce the deficit by not less than \$1,000,000,000 for the period of fiscal years 2017 through 2026.

(c) SUBMISSIONS.—In the Senate, not later than January 27, 2017, the Committees named in subsections (a) and (b) shall submit their recommendations to the Committee on the Budget of the Senate. Upon receiving all such recommendations, the Committee on the Budget of the Senate shall report to the Senate a reconciliation bill carrying out all such recommendations without any substantive revision.

##### SEC. 2002. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) COMMITTEE ON ENERGY AND COMMERCE.—The Committee on Energy and Commerce of the House of Representatives shall submit changes in laws within its jurisdiction to reduce the deficit by not less than

\$1,000,000,000 for the period of fiscal years 2017 through 2026.

(b) COMMITTEE ON WAYS AND MEANS.—The Committee on Ways and Means of the House of Representatives shall submit changes in laws within its jurisdiction to reduce the deficit by not less than \$1,000,000,000 for the period of fiscal years 2017 through 2026.

(c) SUBMISSIONS.—In the House of Representatives, not later than January 27, 2017, the committees named in subsections (a) and (b) shall submit their recommendations to the Committee on the Budget of the House of Representatives to carry out this section.

#### TITLE III—RESERVE FUNDS

##### SEC. 3001. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTH CARE LEGISLATION.

The Chairman of the Committee on the Budget of the Senate and the Chairman of the Committee on the Budget of the House of Representatives may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and, in the Senate, make adjustments to the pay-as-you-go ledger, for—

(1) in the Senate, one or more bills, joint resolutions, amendments, amendments between the Houses, conference reports, or motions related to health care by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over the period of the total of fiscal years 2017 through 2026; and

(2) in the House of Representatives, one or more bills, joint resolutions, amendments, or conference reports related to health care by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over the period of the total of fiscal years 2017 through 2026.

##### SEC. 3002. RESERVE FUND FOR HEALTH CARE LEGISLATION.

(a) IN GENERAL.—The Chairman of the Committee on the Budget of the Senate and the Chairman of the Committee on the Budget of the House of Representatives may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and, in the Senate, make adjustments to the pay-as-you-go ledger, for—

(1) in the Senate, one or more bills, joint resolutions, amendments, amendments between the Houses, conference reports, or motions related to health care by the amounts necessary to accommodate the budgetary effects of the legislation, provided that the cost of such legislation, when combined with the cost of any other measure with respect to which the Chairman has exercised the authority under this paragraph, does not exceed the difference obtained by subtracting—

(A) \$2,000,000,000; from

(B) the sum of deficit reduction over the period of the total of fiscal years 2017 through 2026 achieved under any measure or measures with respect to which the Chairman has exercised the authority under section 3001(1); and

(2) in the House of Representatives, one or more bills, joint resolutions, amendments, or conference reports related to health care by the amounts necessary to accommodate the budgetary effects of the legislation, provided that the cost of such legislation, when combined with the cost of any other measure with respect to which the Chairman has exercised the authority under this paragraph, does not exceed the difference obtained by subtracting—

(A) \$2,000,000,000; from

(B) the sum of deficit reduction over the period of the total of fiscal years 2017 through 2026 achieved under any measure or measures with respect to which the Chairman has exercised the authority under section 3001(2).

(b) EXCEPTIONS FROM CERTAIN PROVISIONS.—Section 404(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, and section 3101 of S. Con. Res. 11 (114th Congress), the concurrent resolution on the budget for fiscal year 2016, shall not apply to legislation for which the Chairman of the Committee on the Budget of the applicable House has exercised the authority under subsection (a).

#### TITLE IV—OTHER MATTERS

##### SEC. 4001. ENFORCEMENT FILING.

(a) IN THE SENATE.—If this concurrent resolution on the budget is agreed to by the Senate and House of Representatives without the appointment of a committee of conference on the disagreeing votes of the two Houses, the Chairman of the Committee on the Budget of the Senate may submit a statement for publication in the Congressional Record containing—

(1) for the Committee on Appropriations, committee allocations for fiscal year 2017 consistent with the levels in title I for the purpose of enforcing section 302 of the Congressional Budget Act of 1974 (2 U.S.C. 633); and

(2) for all committees other than the Committee on Appropriations, committee allocations for fiscal years 2017, 2017 through 2021, and 2017 through 2026 consistent with the levels in title I for the purpose of enforcing section 302 of the Congressional Budget Act of 1974 (2 U.S.C. 633).

(b) IN THE HOUSE OF REPRESENTATIVES.—In the House of Representatives, if a concurrent resolution on the budget for fiscal year 2017 is adopted without the appointment of a committee of conference on the disagreeing votes of the two Houses with respect to this concurrent resolution on the budget, for the purpose of enforcing the Congressional Budget Act and applicable rules and requirements set forth in the concurrent resolution on the budget, the allocations provided for in this subsection shall apply in the House of Representatives in the same manner as if such allocations were in a joint explanatory statement accompanying a conference report on the budget for fiscal year 2017. The Chairman of the Committee on the Budget of the House of Representatives shall submit a statement for publication in the Congressional Record containing—

(1) for the Committee on Appropriations, committee allocations for fiscal year 2017 consistent with title I for the purpose of enforcing section 302 of the Congressional Budget Act of 1974 (2 U.S.C. 633); and

(2) for all committees other than the Committee on Appropriations, committee allocations consistent with title I for fiscal year 2017 and for the period of fiscal years 2017 through 2026 for the purpose of enforcing 302 of the Congressional Budget Act of 1974 (2 U.S.C. 633).

##### SEC. 4002. BUDGETARY TREATMENT OF ADMINISTRATIVE EXPENSES.

(a) IN GENERAL.—Notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(1)), section 13301 of the Budget Enforcement Act of 1990 (2 U.S.C. 632 note), and section 2009a of title 39, United States Code, the report accompanying this concurrent resolution on the budget, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget, or a statement filed under section 4001 shall include in an allocation under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations of the applicable House of Congress amounts for the discretionary administrative expenses of the Social Security Administration and the United States Postal Service.

(b) SPECIAL RULE.—In the Senate and the House of Representatives, for purposes of en-

forcing section 302(f) of the Congressional Budget Act of 1974 (2 U.S.C. 633(f)), estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts described in subsection (a).

##### SEC. 4003. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this concurrent resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) as the allocations and aggregates contained in this concurrent resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this concurrent resolution, the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Chairman of the Committee on the Budget of the applicable House of Congress.

(d) AGGREGATES, ALLOCATIONS AND APPLICATION.—In the House of Representatives, for purposes of this concurrent resolution and budget enforcement, the consideration of any bill or joint resolution, or amendment thereto or conference report thereon, for which the Chairman of the Committee on the Budget of the House of Representatives makes adjustments or revisions in the allocations, aggregates, and other budgetary levels of this concurrent resolution shall not be subject to the points of order set forth in clause 10 of rule XXI of the Rules of the House of Representatives or section 3101 of S. Con. Res. 11 (114th Congress).

##### SEC. 4004. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of either the Senate or the House of Representatives to change those rules (insofar as they relate to that House) at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate or House of Representatives.

The PRESIDING OFFICER. The Senator from Wyoming.

#### MORNING BUSINESS

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE REPEAL RESOLUTION

Mr. ENZI. Mr. President, the repeal resolution we have been debating in the Senate this week will complete the

first step toward reducing the Federal Government's role that has prevented Americans from pursuing affordable and accessible health care that meets their needs without emptying their wallets. After we complete our repeal work, the Senate can then vigorously pursue putting the Nation on a more responsible and sustainable fiscal path and address government's out-of-control spending and a mammoth national debt when we begin our work on the fiscal year 2018 budget.

I thank my colleagues for their consideration and cooperation for bringing us to this point, and I thank Majority Leader MITCH MCCONNELL for his leadership in pushing the Senate to take the first steps to repair the Nation's broken health care system and to remove Washington from the equation in order to put control of health care back where it belongs: with the patients and their families and their doctors.

This commitment to an open, honest, and transparent legislative process is crucial to helping Congress restore the trust of the American people.

Thanks, as well, are due to many Members on this side who came and spoke on the resolution's behalf, who worked with us and each other to move through the resolution, the debate, the amendments, the votes, the whole process.

I have enjoyed my partnership with Senator SANDERS as we took on new roles as the top Republican and Democrat on the Senate Budget Committee last Congress. We have known each other a long time, and we have served on some of the same Senate committees. I believe he and my colleagues across the aisle share the same goal of establishing a robust and affordable health care system for hard-working families. I truly hope that they will work with us to find common ground that delivers more choices and lower costs in the weeks and months ahead.

Also, I would like to focus for a moment on some of the staff who helped lead us here.

I thank the Republican staff of the Senate Budget Committee, including my acting staff director, Dan Kowalski; the director of the budget review and acting deputy staff director, Matt Giroux; the chief counsel, George Everly; senior budget analysts Peter Warren and Steve Robinson; budget analysts Greg D'Angelo, Tom Bork, Becky Cole, David Ditch and Susan Eckerly; and assistant counsels Clint Brown and Thomas Fuller; outreach director Jim Neill; editor Elizabeth Keys; policy assistant Kelsie Wendelberger; and communications director Joe Brenckle.

As well, thanks are due to my personal office staff, especially my chief of staff, Tara Shaw; my legislative director, Landon Stropko; my health care policy staff, Elizabeth Schwartz, Alec Hinojosa, and Chris Lydon; as well as the entire Wyoming team.

I want to pay specific attention to thanking Tara Shaw, who is my chief



of staff. She has been filling a dual role for some time. She was my legislative director. We have filled that position now. But she has been acting as the assistant here on the floor as well and done a tremendous job of manipulating and coordinating both centers of action.

Now, we have also been supported by the great work of our leadership, floor, and cloakroom staff. I thank them for their continued good work and dedication to this institution and the country as a whole. In particular, I want to thank Sharon Soderstrom, Hazen Marshall, Jane Lee, and Scott Raab in the leader's office, and Monica Popp, John Caphuis, and Emily Kirlin in the whip's office, and very especially Laura Dove and Robert Duncan in the cloakroom.

These folks, as well as my budget team, worked hours over the holiday break to ensure our success. Without all their work, we would not be here this evening standing on the verge of passing the Senate's repeal resolution that will set the stage for true legislative relief from ObamaCare that Americans have long demanded, while ensuring a stable transition in which those with insurance will not lose access to health care coverage.

This will allow us to move step by step on a new set of reforms, listening carefully to the advice of the millions of Americans who are affected, a step we left out when we did it previously. Or, as Senator ALEXANDER of Tennessee, the chairman of the Senate Health, Education, Labor, and Pensions Committee put it, the ObamaCare bridge is collapsing, and we are sending in a rescue team. Then we will build several new bridges to get better health care. Finally, when those bridges are finished, we will close the old bridge.

After 5 days of consideration, many hours of debate, and numerous amendments reviewed and voted on, this part of the process can now be concluded. With that, I ask for the continued support and discussion on this valuable issue. If people have ideas for what ought to be included, I hope they will talk to us about them. I hope the American people will talk to us about the ideas they think need to be included.

There has been a lot of fearmongering, a lot of supposition about what will happen at the next stage. There were amendments that were put in about the next stage. Those, of course, wound up being non-germane. But we have our work cut out for us. We do have to come through now with a system that will solve the problems for the American people.

I mentioned before that when we started the whole debate on ObamaCare, there were 30 million people uninsured. Today, there are 28 million people uninsured. I think that the 30 million people was probably closer to 28 million at that time. One of the differences is some people who could not get insurance have insurance, and

a bunch of people who had insurance can't afford their insurance, and a bunch of people who have insurance can't afford their insurance, as you heard through the debate.

We want all the people who want insurance to be covered, and to be covered in such a way that they can actually get the treatment. If you have a \$12,000 or \$10,000 or \$6,000 deductible, that may not happen.

But I thank all of the people who have worked to get us to this point. Our work is now cut out for us even more so.

I know that we can have a spirit of cooperation and work through this, or we can use the reconciliation process and do it with 51 votes. But it is far better if we can find common ground and common solutions and get the work done.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO JOSEPH CRISCO, JR.

• Mr. MURPHY. Mr. President, I would like to congratulate my good friend Joseph Crisco, Jr., on his outstanding 24 years of service representing the 17th district in the Connecticut State Senate. Joe has shown an incredible commitment to working for the people of Connecticut over his long career, and I thank him for all that he has done for our State and, in particular, the towns of Ansonia, Beacon Falls, Bethany, Derby, Hamden, Naugatuck, and his hometown of Woodbridge.

Joe is a graduate of Wilbur Cross High School and the University of Connecticut, where he credits many of his early lessons to his time spent as an athlete on the football field. His outstanding career as a player at both institutions earned him a place in the Wilbur Cross Athletic Hall of Fame, and his experience as a standout guard on the UConn football team in 1956 and 1957 helped forge a lasting commitment to his alma mater and shaped the ethic of teamwork and dedication that would follow him to the Connecticut State Senate.

First elected to the senate in 1992, Joe's commitment to his constituents and his community has never wavered. It is no exaggeration to say that his district would not be what it is today if not for the many grants and public projects he has been responsible for bringing home, from recreational centers and trails, to libraries, animal shelters, and affordable housing. The 17th district's most important institutions—like Griffin Hospital, Quinnipiac University, the Sterling Opera House, the Troop I Barracks of the Connecticut State Police, the former Bethany Airport, and the Metro-North Waterbury branch line—have always had a dedicated friend and advocate in Joe. And the annual senior fair in Ansonia's Warsaw Park, which Joe ran throughout his service in the senate, has provided assistance to thousands of senior

citizens over the years and become an iconic event in the Naugatuck Valley.

But more than simply serving the people in his district, Joe distinguished himself in the Connecticut General Assembly as one of its most effective and hard-working legislators. He served as chair of the Appropriations Committee and the Insurance & Real Estate Committee and had a hand in some of the most important legislation in a generation to support Connecticut's economy and the welfare of its citizens. He led the creation of the Biomedical Research Fund, which has devoted millions of dollars towards research efforts in the State to fight heart disease, cancer, smoking-related illnesses, Alzheimer's, stroke, and diabetes. He championed investment tax credits for economic development and public safety, secured a cost-of-living adjustment for beneficiaries of the ConnPACE Program for seniors, and fought passionately to expand the reach of health insurance coverage. After only 6 years in the senate, Joe pioneered the founding of Family Day; an initiative close to his heart as a father of 6 and grandfather of 18. And the legacy he leaves with his lifesaving work to improve and expand coverage for breast cancer exams, creating a new international standard for insurance coverage, is a special achievement of which Joe should be particularly proud.

I am also personally thankful for Joe's dedication to his position in the general assembly because I have seen it up close. During my time representing the 16th district, Joe and I sat next to each other in the senate chamber, and I remain incredibly grateful for his willingness to act as a mentor and friend in the early years of my government service.

Once again, congratulations to Joe, his wife, Pat, and his entire family for a long and successful career in the Connecticut State Senate. It is my hope that the general assembly will use Joe's career as an example and continue to work diligently and passionately for the people of our State in the years to come.●

#### MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Pate, one of his secretaries.

#### PRESIDENTIAL MESSAGE

##### 2016 NATIONAL DRUG CONTROL STRATEGY—PM1

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on the Judiciary:

*To the Congress of the United States:*

I am pleased to transmit the 2016 *National Drug Control Strategy* summarizing the accomplishments of my Administration's 21st century approach to drug policy and opportunities to continue to reduce the burden of substance use in the United States. My Administration released its first *Strategy* in 2010 with a commitment to use the best available science and to consult broadly to develop a balanced and comprehensive approach to drug policy that incorporates both public health and public safety approaches to address this complex problem.

We set aggressive goals to reduce drug use by 2015 and though the results of our efforts are mixed, we have seen progress in reducing drug use and in cooperation both nationally and internationally. As a Nation we exceeded our goals for reducing alcohol and tobacco use among youth and for reducing the number of new HIV infections attributable to drug use. We have been less successful in reducing illicit drugs in youth and young adults as well as reducing the number of drug-induced deaths and driving while drugged. We also face serious challenges including an epidemic of opioid drug use and overdose deaths as well as growing threats from drug trafficking organizations involved in manufacturing and distributing cocaine and synthetic drugs, including novel psychoactive substances. These threats may continue to have an impact on drug use across lifespans, particularly chronic drug use and its consequences that contribute to poor academic performance, crime, underemployment, lost productivity, and health care costs, all of which threaten families and communities.

My Administration has consistently sought a broad coalition of partners to provide input into the development and enhancement of the *Strategy* during the past 7 years. We have invested in science to better understand the nature of addiction and inform the prevention and treatment of addiction and support services to help maintain recovery in the community. We have sought to use medical terms and non-stigmatizing language when discussing substance use disorders, and those who suffer from this disease. Our support for law enforcement has led to significant outcomes in taking down drug trafficking organizations and removing millions of pounds of drugs from the market. And our work with our international partners has been instrumental in our allies' increasing regulation of chemical precursors to synthetic drugs and reducing their movement across the globe. Throughout my Administration, we have used the best available evidence to balance the Nation's public health and public safety and drive collaborative efforts to create healthier, safer, and more prosperous communities.

The Nation's work in reducing drug use and its consequences is not done and there are many opportunities for advancing efforts to address ongoing

and emerging challenges. I thank the Congress for its continued support of our efforts and ask that you continue to support this vital endeavor.

BARACK OBAMA.  
THE WHITE HOUSE, January 11, 2017.

#### MESSAGE FROM THE HOUSE

At 12:03 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 79. An act to clarify the definition of general solicitation under Federal securities law.

H.R. 239. An act to amend the Homeland Security Act of 2002 to provide for innovative research and development, and for other purposes.

H.R. 240. An act to encourage engagement between the Department of Homeland Security and technology innovators, and for other purposes.

H.R. 255. An act to authorize the National Science Foundation to support entrepreneurial programs for women.

H.R. 274. An act to provide for reimbursement for the use of modern travel services by Federal employees traveling on official Government business, and for other purposes.

H.R. 288. An act to ensure that small business providers of broadband Internet access service can devote resources to broadband deployment rather than compliance with cumbersome regulatory requirements.

H.R. 306. An act to amend the Energy Independence and Security Act of 2007 to promote energy efficiency via information and computing technologies, and for other purposes.

H.R. 321. An act to inspire women to enter the aerospace field, including science, technology, engineering, and mathematics, through mentorship and outreach.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 79. An act to clarify the definition of general solicitation under Federal securities law; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 239. An act to amend the Homeland Security Act of 2002 to provide for innovative research and development, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 240. An act to encourage engagement between the Department of Homeland Security and technology innovators, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 255. An act to authorize the National Science Foundation to support entrepreneurial programs for women; to the Committee on Commerce, Science, and Transportation.

H.R. 274. An act to provide for reimbursement for the use of modern travel services by Federal employees traveling on official Government business, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 288. An act to ensure that small business providers of broadband Internet access service can devote resources to broadband deployment rather than compliance with cumbersome regulatory requirements; to the Committee on Commerce, Science, and Transportation.

H.R. 306. An act to amend the Energy Independence and Security Act of 2007 to promote energy efficiency via information and computing technologies, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 321. An act to inspire women to enter the aerospace field, including science, technology, engineering, and mathematics, through mentorship and outreach; to the Committee on Commerce, Science, and Transportation.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-398. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Report to Congress on the Global Supply and Trade of Elemental Mercury"; to the Committee on Environment and Public Works.

EC-399. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Civil Monetary Penalty Inflation Adjustment Rule" (FRL No. 9958-06-OECA) received in the Office of the President of the Senate on January 9, 2017; to the Committee on Environment and Public Works.

EC-400. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "State of Iowa; Approval and Promulgation of the Title V Operating Permits Program, the State Implementation Plan, and 112(1) Plan" (FRL No. 9957-84-Region 7) received in the Office of the President of the Senate on January 9, 2017; to the Committee on Environment and Public Works.

EC-401. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Accidental Release Prevention Requirements: Risk Management Programs under the Clean Air Act" ((RIN2050-AG82) (FRL No. 9954-46-OLEM)) received in the Office of the President of the Senate on January 9, 2017; to the Committee on Environment and Public Works.

EC-402. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Illinois: Final Authorization of State Hazardous Waste Management Program Revision" (FRL No. 9958-05-Region 5) received in the Office of the President of the Senate on January 9, 2017; to the Committee on Environment and Public Works.

EC-403. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of California Air Plan Revisions, Ventura County Air Pollution Control District; Prevention of Significant Deterioration" (FRL No. 9956-52-Region 9) received in the Office of the President of the Senate on January 9, 2017; to the Committee on Environment and Public Works.

EC-404. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Nevada, Lake Tahoe; Second 10-Year Carbon Monoxide Limited Maintenance Plan" (FRL No. 9958-

11-Region 9) received in the Office of the President of the Senate on January 9, 2017; to the Committee on Environment and Public Works.

EC-405. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; Minnesota; Sulfur Dioxide; Particulate Matter” (FRL No. 9958-15-Region 5) received in the Office of the President of the Senate on January 9, 2017; to the Committee on Environment and Public Works.

EC-406. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; Georgia; Atlanta; Requirements for the 2008 8-Hour Ozone Standard” (FRL No. 9957-89-Region 4) received in the Office of the President of the Senate on January 9, 2017; to the Committee on Environment and Public Works.

EC-407. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report prepared by the Department of State on progress toward a negotiated solution of the Cyprus question covering the period August 1, 2016 through September 30, 2016; to the Committee on Foreign Relations.

EC-408. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16-111); to the Committee on Foreign Relations.

EC-409. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled “Report to Congress on Enhancing Tracking and Tracing of Food and Recordkeeping”; to the Committee on Health, Education, Labor, and Pensions.

EC-410. A communication from the Director of Regulation, Legislation, and Interpretation, Wage and Hour Division, Department of Labor, transmitting, pursuant to law, the report of a rule entitled “Updating Regulations Issued Under the Fair Labor Standards Act, Service Contract Act, Davis-Bacon and Related Acts, Contract Work Hours and Safety Standards Act, the Family and Medical Leave Act, Employee Polygraph Protection Act, and the Migrant and Seasonal Agricultural Worker Protection Act” (RIN1235-AA17) received in the Office of the President of the Senate on January 9, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-411. A communication from the Director, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled “Occupational Exposure to Beryllium” (RIN1218-AC76) received in the Office of the President of the Senate on January 9, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-412. A communication from the Assistant General Counsel for Regulatory Services, Office of General Counsel, Department of Education, transmitting, pursuant to law, the report of a rule entitled “Assistance to States for the Education of Children with Disabilities; Preschool Grants for Children with Disabilities” (RIN1820-AB73) received in the Office of the President of the Senate on January 9, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-413. A communication from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Changes in Requirements for Affidavits or Declarations of Use, Continued Use,

or Excusable Nonuse in Trademark Cases” (RIN0651-AD07) received in the Office of the President of the Senate on January 9, 2017; to the Committee on the Judiciary.

EC-414. A communication from the Acting Director of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Extension of Pharmacy Copayments for Medications” (RIN2900-AP87) received in the Office of the President of the Senate on January 4, 2017; to the Committee on Veterans’ Affairs.

EC-415. A communication from the Acting Director of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Advanced Practice Registered Nurses” (RIN2900-AP44) received in the Office of the President of the Senate on January 4, 2017; to the Committee on Veterans’ Affairs.

EC-416. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Bombardier, Inc. Airplanes” ((RIN2120-AA64) (Docket No. FAA-2016-7267)) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC-417. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Bombardier, Inc. Airplanes” ((RIN2120-AA64) (Docket No. FAA-2016-8178)) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC-418. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Bombardier, Inc. Airplanes” ((RIN2120-AA64) (Docket No. FAA-2016-9503)) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC-419. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Bombardier, Inc. Airplanes” ((RIN2120-AA64) (Docket No. FAA-2016-7418)) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC-420. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Bombardier, Inc. Airplanes” ((RIN2120-AA64) (Docket No. FAA-2016-4224)) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC-421. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Rolls-Royce plc Turbofan Engines” ((RIN2120-AA64) (Docket No. FAA-2016-6692)) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC-422. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Rolls-Royce plc Turbofan Engines” ((RIN2120-AA64) (Docket No. FAA-2016-7099)) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC-423. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Rolls-Royce plc Turbofan Engines” ((RIN2120-AA64) (Docket No. FAA-2016-7099)) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC-424. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Airbus Airplanes” ((RIN2120-AA64) (Docket No. FAA-2016-9509)) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC-425. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Airbus Airplanes” ((RIN2120-AA64) (Docket No. FAA-2016-9515)) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC-426. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Airplanes” ((RIN2120-AA64) (Docket No. FAA-2016-9436)) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC-427. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Airplanes” ((RIN2120-AA64) (Docket No. FAA-2013-0215)) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC-428. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Airplanes” ((RIN2120-AA64) (Docket No. FAA-2016-5598)) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC-429. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Airplanes” ((RIN2120-AA64) (Docket No. FAA-

2013-0215)) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC-430. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2015-3142)) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC-431. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; M7 Aerospace LLC" ((RIN2120-AA64) (Docket No. FAA-2016-9120)) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC-432. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Services B.V. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2015-7530)) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC-433. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Services B.V. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2016-7271)) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC-434. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 95 Instrument Flight Rules; Miscellaneous Amendments; Amendment No. 530" ((RIN2120-AA63) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC-435. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Qualification, Service, and Use of Crewmembers and Aircraft Dispatchers; Related Aircraft Amendment" ((RIN2120-AK95) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC-436. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of VOR Federal Airways V-235 and V-293 in the Vicinity of Cedar City, Utah" ((RIN2120-AA66) (Docket No. FAA-2016-9265)) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC-437. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace for St. Petersburg, FL" ((RIN2120-AA66) (Docket No. FAA-2016-9375)) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC-438. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class C Airspace; El Paso International Airport, TX" ((RIN2120-AA66) (Docket No. FAA-2016-7417)) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC-439. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revisions to Operational Requirements for the Use of Enhanced Flight Vision Systems (EFVS) and to Pilot Compartment View Requirements for Vision Systems" ((RIN2120-AJ94) (Docket No. FAA-2013-0485)) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2016; to the Committee on Commerce, Science, and Transportation.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CARDIN (for himself, Mr. MCCAIN, Mr. MENENDEZ, Mr. GRAHAM, Mrs. SHAHEEN, Mr. RUBIO, Ms. KLOBUCHAR, Mr. SASSE, Mr. DURBIN, and Mr. PORTMAN):

S. 94. A bill to impose sanctions in response to cyber intrusions by the Government of the Russian Federation and other aggressive activities of the Russian Federation, and for other purposes; to the Committee on Foreign Relations.

By Mr. HELLER (for himself and Ms. CORTEZ MASTO):

S. 95. A bill to require the Secretary of Energy to obtain the consent of affected State and local governments before making an expenditure from the Nuclear Waste Fund for a nuclear waste repository; to the Committee on Environment and Public Works.

By Ms. KLOBUCHAR (for herself, Mr. THUNE, and Mr. TESTER):

S. 96. A bill to amend the Communications Act of 1934 to ensure the integrity of voice communications and to prevent unjust or unreasonable discrimination among areas of the United States in the delivery of such communications; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAPO (for himself, Mr. WHITEHOUSE, Mr. BOOKER, Mr. RISCH, Mr. HATCH, Ms. MURKOWSKI, and Mr. DURBIN):

S. 97. A bill to enable civilian research and development of advanced nuclear energy technologies by private and public institutions, to expand theoretical and practical knowledge of nuclear physics, chemistry, and materials science, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DAINES (for himself and Mr. PERDUE):

S. 98. A bill to reduce a portion of the annual pay of Members of Congress for the failure to adopt a concurrent resolution on the budget which does not provide for a balanced budget, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ALEXANDER:

S. 99. A bill to require the Secretary of the Interior to study the suitability and feasibility of designating the President James K. Polk Home in Columbia, Tennessee, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ALEXANDER:

S. 100. A bill to modify the boundary of the Shiloh National Military Park located in the States of Tennessee and Mississippi, to establish the Parker's Crossroads Battlefield as an affiliated area of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI (for herself and Mr. SULLIVAN):

S. 101. A bill to provide for the exchange of Federal land and non-Federal land in the State of Alaska for the construction of a road between King Cove and Cold Bay; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL (for herself, Mr. BOOKER, Mr. THUNE, Mr. RUBIO, and Mr. NELSON):

S. 102. A bill to direct the Federal Communications Commission to commence proceedings related to the resiliency of critical communications networks during times of emergency, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LEE (for himself and Mr. RUBIO):

S. 103. A bill to nullify certain regulations and notices of the Department of Housing and Urban Development, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. GILLIBRAND (for herself, Mr. PORTMAN, Mr. RUBIO, Mr. BLUMENTHAL, and Ms. HARRIS):

S. 104. A bill to provide for the vacating of certain convictions and expungement of certain arrests of victims of human trafficking; to the Committee on the Judiciary.

By Mrs. FISCHER (for herself, Mr. JOHNSON, and Mr. BARRASSO):

S. 105. A bill to amend the Consumer Financial Protection Act of 2010 to transition the Bureau of Consumer Financial Protection to a 5-member board of directors; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CRUZ (for himself, Mr. LEE, Mr. RUBIO, and Mr. PAUL):

S. 106. A bill to repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 entirely; to the Committee on Finance.

#### ADDITIONAL COSPONSORS

S. 27

At the request of Mr. CARDIN, the names of the Senator from Ohio (Mr. BROWN), the Senator from Massachusetts (Ms. WARREN), and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S. 27, a bill to establish an independent commission to examine and report on the facts regarding the extent of Russian official and unofficial cyber operations and other attempts to interfere in the 2016

United States national election, and for other purposes.

S. 69

At the request of Mr. ROBERTS, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 69, a bill to codify and modify regulatory requirements of Federal agencies.

S. 82

At the request of Mr. REED, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 82, a bill to amend the Internal Revenue Code of 1986 to expand the denial of deduction for certain excessive employee remuneration, and for other purposes.

S. 86

At the request of Mr. MCCAIN, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 86, a bill to amend the Veterans Access, Choice, and Accountability Act of 2014 to modify the termination date for the Veterans Choice Program.

S. 87

At the request of Mr. TOOMEY, the names of the Senator from North Dakota (Mr. HOEVEN), the Senator from Texas (Mr. CORNYN), the Senator from Kansas (Mr. ROBERTS), the Senator from Montana (Mr. DAINES), the Senator from Louisiana (Mr. CASSIDY), the Senator from Kentucky (Mr. PAUL), the Senator from Idaho (Mr. RISCH), the Senator from Wyoming (Mr. BAR-RASSO), and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 87, a bill to ensure that State and local law enforcement may cooperate with Federal officials to protect our communities from violent criminals and suspected terrorists who are illegally present in the United States.

S.J. RES. 1

At the request of Mr. BOOZMAN, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S.J. Res. 1, a joint resolution approving the location of a memorial to commemorate and honor the members of the Armed Forces who served on active duty in support of Operation Desert Storm or Operation Desert Shield.

S. RES. 6

At the request of Mr. RUBIO, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. Res. 6, a resolution objecting to United Nations Security Council Resolution 2334 and to all efforts that undermine direct negotiations between Israel and the Palestinians for a secure and peaceful settlement.

S. RES. 10

At the request of Mr. MARKEY, the names of the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Maine (Mr. KING), and the Senator from Pennsylvania (Mr. TOOMEY) were added as cosponsors of S. Res. 10, a resolution expressing the sense of the Sen-

ate regarding the trafficking of illicit fentanyl into the United States from Mexico and China.

S. RES. 11

At the request of Mr. SCOTT, the name of the Senator from California (Ms. HARRIS) was added as a cosponsor of S. Res. 11, a resolution encouraging the development of best business practices to fully utilize the potential of the United States.

AMENDMENT NO. 2

At the request of Mr. COONS, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of amendment No. 2 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

AMENDMENT NO. 9

At the request of Ms. KLOBUCHAR, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of amendment No. 9 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

AMENDMENT NO. 13

At the request of Mr. NELSON, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Oregon (Mr. WYDEN), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Illinois (Mr. DURBIN), and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of amendment No. 13 proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

AMENDMENT NO. 17

At the request of Mr. BLUMENTHAL, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 17 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

AMENDMENT NO. 21

At the request of Mr. PETERS, the names of the Senator from Massachusetts (Ms. WARREN), the Senator from Virginia (Mr. KAINE), the Senator from New Mexico (Mr. UDALL), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Maryland (Mr. CARDIN), the Senator from Wisconsin (Ms. BALDWIN), and the Senator from Delaware (Mr. COONS) were added as cosponsors of amendment No. 21 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

AMENDMENT NO. 24

At the request of Mr. FRANKEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 24 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

AMENDMENT NO. 25

At the request of Mr. FRANKEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 25 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

AMENDMENT NO. 27

At the request of Mr. COONS, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 27 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

AMENDMENT NO. 28

At the request of Mr. COONS, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 28 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

AMENDMENT NO. 29

At the request of Mr. CARDIN, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of amendment No. 29 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

AMENDMENT NO. 30

At the request of Mr. CARDIN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 30 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

AMENDMENT NO. 34

At the request of Mrs. SHAHEEN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of amendment No. 34 intended to be proposed to S. Con. Res. 3, a concurrent

resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

## AMENDMENT NO. 36

At the request of Mrs. SHAHEEN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of amendment No. 36 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

## AMENDMENT NO. 37

At the request of Mrs. SHAHEEN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of amendment No. 37 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

## AMENDMENT NO. 53

At the request of Mr. FRANKEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 53 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

## AMENDMENT NO. 54

At the request of Mr. FRANKEN, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of amendment No. 54 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

## AMENDMENT NO. 55

At the request of Mr. BOOKER, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of amendment No. 55 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

## AMENDMENT NO. 61

At the request of Mr. CASEY, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Delaware (Mr. COONS), the Senator from Maryland (Mr. VAN HOLLEN), the Senator from Virginia (Mr. WARNER), the Senator from Delaware (Mr. CARPER), the Senator from Massachusetts (Ms. WARREN), and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of amendment No.

61 proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

## AMENDMENT NO. 62

At the request of Mrs. GILLIBRAND, her name was withdrawn as a cosponsor of amendment No. 62 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

## AMENDMENT NO. 63

At the request of Mr. MANCHIN, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from Florida (Mr. NELSON) were added as cosponsors of amendment No. 63 proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

## AMENDMENT NO. 64

At the request of Mr. MANCHIN, the names of the Senator from Oregon (Mr. WYDEN), the Senator from New York (Mrs. GILLIBRAND), and the Senator from New Hampshire (Ms. HASSAN) were added as cosponsors of amendment No. 64 proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

## AMENDMENT NO. 68

At the request of Mr. CARDIN, the names of the Senator from Maryland (Mr. VAN HOLLEN), the Senator from Massachusetts (Ms. WARREN), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 68 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

## AMENDMENT NO. 69

At the request of Mr. BENNET, the names of the Senator from Maryland (Mr. VAN HOLLEN) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of amendment No. 69 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

## AMENDMENT NO. 70

At the request of Mr. BENNET, the names of the Senator from Maryland (Mr. VAN HOLLEN) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of amendment No. 70 intended to be proposed to S. Con. Res. 3, a concurrent resolution

setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

## AMENDMENT NO. 74

At the request of Mr. BOOKER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 74 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

## AMENDMENT NO. 76

At the request of Mr. BOOKER, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of amendment No. 76 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

## AMENDMENT NO. 77

At the request of Mr. BOOKER, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of amendment No. 77 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

## AMENDMENT NO. 78

At the request of Mr. DURBIN, the names of the Senator from Maryland (Mr. VAN HOLLEN), the Senator from Illinois (Ms. DUCKWORTH), the Senator from Massachusetts (Ms. WARREN), the Senator from Washington (Mrs. MURRAY), the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of amendment No. 78 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

## AMENDMENT NO. 79

At the request of Mr. DURBIN, the names of the Senator from Ohio (Mr. BROWN), the Senator from Maryland (Mr. VAN HOLLEN), the Senator from Massachusetts (Ms. WARREN) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of amendment No. 79 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

## AMENDMENT NO. 80

At the request of Mr. DURBIN, the names of the Senator from Ohio (Mr.



BROWN), the Senator from Maryland (Mr. VAN HOLLEN), the Senator from Massachusetts (Ms. WARREN), the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of amendment No. 80 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

## AMENDMENT NO. 81

At the request of Ms. BALDWIN, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Oregon (Mr. WYDEN), the Senator from Massachusetts (Ms. WARREN), the Senator from New York (Mrs. GILLIBRAND), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Delaware (Mr. CARPER), the Senator from Washington (Mrs. MURRAY) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 81 proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

## AMENDMENT NO. 82

At the request of Mrs. GILLIBRAND, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Delaware (Mr. COONS), the Senator from Wisconsin (Ms. BALDWIN), the Senator from Virginia (Mr. WARNER), the Senator from Massachusetts (Ms. WARREN), the Senator from Maryland (Mr. VAN HOLLEN), the Senator from Vermont (Mr. LEAHY), the Senator from New Jersey (Mr. BOOKER), the Senator from Minnesota (Mr. FRANKEN), the Senator from Massachusetts (Mr. MARKEY), the Senator from Connecticut (Mr. MURPHY), the Senator from Maine (Mr. KING) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of amendment No. 82 proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

## AMENDMENT NO. 83

At the request of Mr. MENENDEZ, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of amendment No. 83 proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

## AMENDMENT NO. 84

At the request of Mr. DURBIN, the names of the Senator from Maryland (Mr. VAN HOLLEN), the Senator from Illinois (Ms. DUCKWORTH), the Senator from Massachusetts (Ms. WARREN), the

Senator from Washington (Mrs. MURRAY), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of amendment No. 84 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

## AMENDMENT NO. 86

At the request of Mr. BROWN, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Washington (Mrs. MURRAY), the Senator from Connecticut (Mr. MURPHY), the Senator from Oregon (Mr. WYDEN), the Senator from Colorado (Mr. BENNET), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Maryland (Mr. VAN HOLLEN), the Senator from Delaware (Mr. COONS), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from New Mexico (Mr. HEINRICH), the Senator from Massachusetts (Mr. MARKEY), the Senator from Hawaii (Ms. HIRONO), the Senator from Virginia (Mr. WARNER), the Senator from West Virginia (Mr. MANCHIN), the Senator from New York (Mr. SCHUMER), the Senator from Virginia (Mr. Kaine), the Senator from Washington (Ms. CANTWELL), the Senator from Michigan (Mr. PETERS), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Minnesota (Mr. FRANKEN), the Senator from Vermont (Mr. SANDERS), the Senator from Florida (Mr. NELSON), the Senator from Hawaii (Mr. SCHATZ) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 86 proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

## AMENDMENT NO. 89

At the request of Mr. CARPER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of amendment No. 89 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

## AMENDMENT NO. 90

At the request of Mr. CARPER, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of amendment No. 90 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

## AMENDMENT NO. 91

At the request of Ms. STABENOW, the names of the Senator from Maryland

(Mr. VAN HOLLEN) and the Senator from Maine (Mr. KING) were added as cosponsors of amendment No. 91 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

## AMENDMENT NO. 92

At the request of Ms. STABENOW, the names of the Senator from Maryland (Mr. VAN HOLLEN) and the Senator from Maine (Mr. KING) were added as cosponsors of amendment No. 92 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

## AMENDMENT NO. 93

At the request of Ms. STABENOW, the names of the Senator from Maryland (Mr. VAN HOLLEN) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of amendment No. 93 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

## AMENDMENT NO. 94

At the request of Ms. STABENOW, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Maryland (Mr. VAN HOLLEN), the Senator from Massachusetts (Ms. WARREN), the Senator from New Jersey (Mr. BOOKER), the Senator from Maine (Mr. KING), the Senator from Delaware (Mr. COONS), the Senator from Washington (Mrs. MURRAY) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of amendment No. 94 proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

## AMENDMENT NO. 95

At the request of Mr. MARKEY, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of amendment No. 95 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

## AMENDMENT NO. 96

At the request of Mr. MARKEY, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of amendment No. 96 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017

and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

#### AMENDMENT NO. 97

At the request of Mr. BLUMENTHAL, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of amendment No. 97 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

#### AMENDMENT NO. 100

At the request of Ms. CANTWELL, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Massachusetts (Ms. WARREN), the Senator from Maine (Mr. KING), the Senator from Maryland (Mr. VAN HOLLEN) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of amendment No. 100 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

#### AMENDMENT NO. 101

At the request of Mr. BENNET, the names of the Senator from Maryland (Mr. VAN HOLLEN) and the Senator from Ohio (Mr. PORTMAN) were added as cosponsors of amendment No. 101 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

#### AMENDMENT NO. 102

At the request of Mr. BENNET, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of amendment No. 102 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

#### AMENDMENT NO. 103

At the request of Mr. TESTER, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of amendment No. 103 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

#### AMENDMENT NO. 104

At the request of Mr. TESTER, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Ohio (Mr. BROWN), the Senator from Vermont (Mr. LEAHY) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of amendment No.

104 proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

#### AMENDMENT NO. 105

At the request of Mr. TESTER, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Vermont (Mr. LEAHY) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of amendment No. 105 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

#### AMENDMENT NO. 109

At the request of Mr. UDALL, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of amendment No. 109 intended to be proposed to S. Con. Res. 3, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026.

### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DAINES (for himself and Mr. PERDUE):

S. 98. A bill to reduce a portion of the annual pay of Members of Congress for the failure to adopt a concurrent resolution on the budget which does not provide for a balanced budget, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. DAINES. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 98

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the “Balanced Budget Accountability Act”.

(b) FINDINGS.—Congress finds the following:

(1) The Federal debt exceeds \$19,000,000,000,000, continues to grow rapidly, and is larger than the size of the United States economy.

(2) The Federal budget has shown an annual deficit in 47 of the last 52 years.

(3) Deficits and the Federal debt threaten to shatter confidence in the Nation’s economy, suppress job creation and economic growth, and leave future generations of Americans with a lower standard of living and fewer opportunities.

(4) It is the duty of Members of Congress to develop and implement policies, including balancing the Federal budget, that encourage robust job creation and economic growth in the United States.

(5) Members of Congress should be held accountable for failing to pass annual budgets that result in a balanced budget.

### SEC. 2. EFFECT OF FAILURE TO ADOPT RESOLUTION PROVIDING FOR BALANCED BUDGETS.

(a) DEFINITIONS.—In this section—

(1) the term “balanced budget” means a concurrent resolution on the budget which provides that for fiscal year 2027, and each fiscal year thereafter to which the concurrent resolution on the budget applies—

(A) total outlays do not exceed total receipts; and

(B) total outlays are not more than 18 percent of the gross domestic product of the United States (as determined by the Bureau of Economic Analysis of the Department of Commerce) for such fiscal year;

(2) the term “Director” means the Director of the Office of Management and Budget; and

(3) the term “Member” includes a Delegate or Resident Commissioner to Congress.

(b) DETERMINATION BY THE OFFICE OF MANAGEMENT AND BUDGET.—Upon adoption by a House of Congress of a concurrent resolution on the budget for a fiscal year, the Director shall—

(1) determine whether the concurrent resolution on the budget is a balanced budget; and

(2) submit to the Speaker of the House of Representatives or the President pro tempore of the Senate (as the case may be) a certification as to whether or not that House of Congress has adopted a balanced budget.

(c) RULE FOR FISCAL YEARS 2018 AND 2019.—

(1) FISCAL YEAR 2018.—

(A) HOLDING SALARIES IN ESCROW.—If the Director does not certify that a House of Congress has adopted a balanced budget with respect to fiscal year 2018 before April 16, 2017, during the period described in subparagraph (B) the payroll administrator of that House of Congress shall deposit in an escrow account all payments otherwise required to be made during such period for the compensation of Members of Congress who serve in that House of Congress, and shall release such payments to such Members only upon the expiration of such period.

(B) PERIOD DESCRIBED.—With respect to a House of Congress, the period described in this subparagraph is the period that begins on April 16, 2017, and ends on the earlier of—

(i) the date on which the Director certifies that the House of Congress has adopted a balanced budget with respect to fiscal year 2018; or

(ii) the last day of the One Hundred Fifteenth Congress.

(2) FISCAL YEAR 2019.—

(A) HOLDING SALARIES IN ESCROW.—If the Director does not certify that a House of Congress has adopted a balanced budget with respect to fiscal year 2019 before April 16, 2018, during the period described in subparagraph (B) the payroll administrator of that House of Congress shall deposit in an escrow account all payments otherwise required to be made during such period for the compensation of Members of Congress who serve in that House of Congress, and shall release such payments to such Members only upon the expiration of such period.

(B) PERIOD DESCRIBED.—With respect to a House of Congress, the period described in this subparagraph is the period that begins on April 16, 2018, and ends on the earlier of—

(i) the date on which the Director certifies that the House of Congress has adopted a balanced budget with respect to fiscal year 2019; or

(ii) the last day of the One Hundred Fifteenth Congress.

(3) WITHHOLDING AND REMITTANCE OF AMOUNTS FROM PAYMENTS HELD IN ESCROW.—The payroll administrator shall provide for the same withholding and remittance with respect to a payment deposited in an escrow account under paragraph (1) or (2) that would

apply to the payment if the payment were not subject to paragraph (1) or (2).

(4) **RELEASE OF AMOUNTS AT END OF THE CONGRESS.**—In order to ensure that this subsection is carried out in a manner that shall not vary the compensation of Senators or Representatives in violation of the twenty-seventh amendment to the Constitution of the United States, the payroll administrator of a House of Congress shall release for payments to Members of that House of Congress any amounts remaining in any escrow account under this section on the last day of the One Hundred Fifteenth Congress.

(5) **ROLE OF SECRETARY OF THE TREASURY.**—The Secretary of the Treasury shall provide the payroll administrators of the Houses of Congress with such assistance as may be necessary to enable the payroll administrators to carry out this subsection.

(6) **PAYROLL ADMINISTRATOR DEFINED.**—In this subsection, the “payroll administrator” of a House of Congress means—

(A) in the case of the House of Representatives, the Chief Administrative Officer of the House of Representatives, or an employee of the Office of the Chief Administrative Officer who is designated by the Chief Administrative Officer to carry out this section; and

(B) in the case of the Senate, the Secretary of the Senate, or an employee of the Office of the Secretary of the Senate who is designated by the Secretary to carry out this section.

(d) **RULE FOR FISCAL YEAR 2020 AND SUBSEQUENT FISCAL YEARS.**—If the Director does not certify that a House of Congress has adopted a balanced budget with respect to fiscal year 2020, or any fiscal year thereafter, before April 16 of the fiscal year before such fiscal year, during pay periods which occur in the same calendar year after that date each Member of that House shall be paid at an annual rate of pay equal to \$1.

### SEC. 3. SUPERMAJORITY REQUIREMENT FOR INCREASING REVENUE.

(a) **IN GENERAL.**—In the Senate and the House of Representatives, a bill, joint resolution, amendment, conference report, or amendment between the Houses that increases revenue shall only be agreed to upon an affirmative vote of three-fifths of the Members of that House of Congress duly chosen and sworn.

(b) **RULES OF SENATE AND THE HOUSE OF REPRESENTATIVES.**—Subsection (a) is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a bill, joint resolution, amendment, conference report, or amendment between the Houses that increases revenue, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

### AMENDMENTS SUBMITTED AND PROPOSED

SA 111. Mr. MANCHIN (for himself, Mr. CASEY, Mr. WARNER, Mr. BROWN, Ms. HEITKAMP, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table.

SA 112. Mr. FRANKEN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 113. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 114. Mr. WYDEN (for himself, Mr. VAN HOLLEN, Mr. UDALL, Mr. CARPER, Ms. HIRONO, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. LEAHY, Mr. KAINE, Mr. WARNER, and Mr. CARDIN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 115. Mr. MARKEY (for himself, Mr. DURBIN, Mr. KING, Mr. MANCHIN, and Mr. BROWN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 116. Mr. DONNELLY (for himself, Ms. KLOBUCHAR, Mrs. SHAHEEN, and Mr. CASEY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 117. Mr. SANDERS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 118. Mrs. SHAHEEN (for herself, Mr. COONS, Mr. VAN HOLLEN, Mr. CARPER, Mr. BOOKER, Ms. HASSAN, and Ms. HIRONO) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 119. Mr. CASEY (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 120. Mr. MERKLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 121. Mr. MERKLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 122. Mr. MERKLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 123. Mr. MERKLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 124. Mr. MERKLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 125. Mr. MERKLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 126. Mr. COONS (for himself, Mr. BROWN, Ms. BALDWIN, Mr. KING, Mr. VAN HOLLEN, Ms. WARREN, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra.

SA 127. Ms. WARREN submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 128. Ms. WARREN submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 129. Ms. WARREN submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 130. Ms. WARREN submitted an amendment intended to be proposed by her to the

concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 131. Mr. WYDEN (for himself, Mr. MARKEY, Mr. CARDIN, Mr. VAN HOLLEN, Ms. WARREN, Ms. STABENOW, and Mr. REED) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 132. Mr. FRANKEN (for himself, Mr. VAN HOLLEN, and Mr. BROWN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 133. Mr. WYDEN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 134. Mr. SANDERS (for himself, Ms. STABENOW, and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 135. Mr. FRANKEN (for himself, Ms. WARREN, Mr. WHITEHOUSE, Ms. BALDWIN, and Mr. REED) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 136. Mr. CARDIN (for himself, Ms. HIRONO, Mr. BOOKER, Mr. BROWN, Mr. CARPER, Mr. VAN HOLLEN, and Ms. WARREN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 137. Mr. REED (for himself, Mr. BLUMENTHAL, Mr. VAN HOLLEN, and Ms. WARREN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 138. Mr. HELLER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 139. Mr. BROWN (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 140. Ms. WARREN submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 141. Ms. WARREN (for herself, Ms. BALDWIN, and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 142. Ms. WARREN (for herself and Mr. CASEY) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 143. Ms. CANTWELL (for herself, Mr. CARPER, Mr. BENNET, Mrs. SHAHEEN, Mr. MURPHY, Ms. WARREN, Mr. KING, Mr. VAN HOLLEN, Ms. KLOBUCHAR, Mr. WHITEHOUSE, Mr. WARNER, and Ms. DUCKWORTH) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 3, supra.

SA 144. Ms. KLOBUCHAR (for herself and Ms. WARREN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 145. Mr. MURPHY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 146. Ms. WARREN submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 147. Ms. CANTWELL (for herself, Mr. SCHUMER, Mrs. GILLIBRAND, Ms. KLOBUCHAR,

and Mr. FRANKEN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 148. Mr. CARPER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 149. Mr. WYDEN (for himself, Mr. MERKLEY, Mr. CARDIN, Mr. MARKEY, Mr. LEAHY, Mr. VAN HOLLEN, Ms. WARREN, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 150. Mr. WYDEN (for himself, Mrs. MURRAY, Mr. BENNET, Mr. BLUMENTHAL, Mr. BOOKER, and Mr. WARNER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 151. Mr. LEE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 152. Mr. LEE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 153. Mr. LEE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 154. Mr. LEE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 155. Mr. LEE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 156. Mr. LEE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 157. Mr. LEE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 158. Mr. LEE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 159. Mr. LEE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 160. Mr. LEE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 161. Mr. LEE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 162. Mr. LEE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 163. Mr. LEE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 164. Mr. LEE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 165. Mr. LEE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 166. Mr. LEE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 167. Mr. HELLER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra.

SA 168. Mr. WYDEN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 169. Mr. MENENDEZ (for himself, Ms. WARREN, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 170. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 171. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 172. Mr. SANDERS (for Mrs. KLOBUCHAR (for herself and Mr. SANDERS)) proposed an amendment to the concurrent resolution S. Con. Res. 3, supra.

SA 173. Mr. ENZI (for Mr. BARRASSO) proposed an amendment to the concurrent resolution S. Con. Res. 3, supra.

SA 174. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra.

SA 175. Mr. WYDEN (for himself, Mr. SANDERS, Mr. BROWN, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 176. Mr. FLAKE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra.

SA 177. Mr. CORNYN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 178. Ms. KLOBUCHAR (for herself and Mr. SANDERS) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 3, supra.

SA 179. Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra.

SA 180. Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra.

SA 181. Mr. BARRASSO submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra.

SA 182. Mr. WYDEN (for himself, Mr. MERKLEY, and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 183. Mr. WYDEN (for himself, Mr. MERKLEY, and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 184. Mrs. FISCHER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 3, supra.

SA 185. Mr. WYDEN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 186. Mr. WYDEN (for himself, Mr. UDALL, Mr. CARPER, Ms. HIRONO, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 187. Mr. WYDEN (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

SA 188. Mr. WYDEN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, supra.

SA 189. Ms. WARREN submitted an amendment intended to be proposed by her to the

concurrent resolution S. Con. Res. 3, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 111.** Mr. MANCHIN (for himself, Mr. CASEY, Mr. WARNER, Mr. BROWN, Ms. HEITKAMP, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

#### **SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO HEALTH AND PENSION BENEFITS FOR MINERS.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to the inclusion of additional retired miners in the Multiemployer Health Benefit Plan and increased funding of the 1974 UMW Pension Plan, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 112.** Mr. FRANKEN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

#### **SEC. 4. POINT OF ORDER AGAINST LEGISLATION THAT WOULD ROLL BACK THE MEDICARE DIABETES PREVENTION PROGRAM.**

(a) **POINT OF ORDER.**—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would roll back the expansion of the Medicare Diabetes Prevention Program, including rulemaking related to the program included in the 2017 Physician Fee Schedule.

(b) **WAIVER AND APPEAL.**—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

**SA 113.** Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO SECURITY FOR MEDICAL DEVICES.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to consultation of the Food and Drug Administration with the National Institute of Standards and Technology to evaluate and consider the cybersecurity of any network-connected medical device as part of the process of clearing or approving such a medical device by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 114.** Mr. WYDEN (for himself, Mr. VAN HOLLEN, Mr. UDALL, Mr. CARPER, Ms. HIRONO, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. LEAHY, Mr. KAINE, Mr. WARNER, and Mr. CARDIN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

**SEC. 4. POINT OF ORDER AGAINST LEGISLATION THAT SLASHES THE COMPENSATION OF INDIVIDUAL FEDERAL EMPLOYEES.**

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that directly reduces the compensation of 1 or more individual Federal employees.

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

**SA 115.** Mr. MARKEY (for himself, Mr. DURBIN, Mr. KING, Mr. MANCHIN, and Mr. BROWN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO THE RESPONSE TO ILLICIT FENTANYL INTO THE UNITED STATES.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between

the Houses, motions, or conference reports relating to the response by States to illicit fentanyl and other synthetic opioids, including the treatment of individuals harmed by fentanyl and other synthetic opioids, and the efforts of the United States Government to detect and interdict illicit fentanyl and other synthetic opioids being trafficked into the United States, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 116.** Mr. DONNELLY (for himself, Ms. KLOBUCHAR, Mrs. SHAHEEN, and Mr. CASEY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO REPEAL OF MEDICAL DEVICE TAX.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to innovation, high quality manufacturing jobs, and economic growth, including the repeal of the excise tax on manufacturers, producers, and importers of medical devices, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 117.** Mr. SANDERS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO ENSURING THAT HEALTH CARE IS A RIGHT FOR ALL AMERICANS.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to ensuring that health care is a right of all Americans, not a privilege dependent on where you live, what job you have, or how much money you make, which shall include a Medicare for All plan to cover everyone in the United States by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 118.** Mrs. SHAHEEN (for herself, Mr. COONS, Mr. VAN HOLLEN, Mr. CAR-

PER, Mr. BOOKER, Ms. HASSAN, and Ms. HIRONO) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

**SEC. 4. POINT OF ORDER AGAINST WEAKENING OR ELIMINATING THE SMALL EMPLOYER HEALTH INSURANCE CREDIT AND ENSURING THAT INSURERS DO NOT DISCRIMINATE AGAINST SMALL GROUPS.**

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that—

(1) weakens or eliminates the tax credit to help small businesses purchase health insurance under section 45R of the Internal Revenue Code of 1986;

(2) inhibits the ability of entrepreneurs to purchase affordable health coverage through the individual marketplace; or

(3) employs discriminatory rating rules that prohibit small businesses from providing affordable, comprehensive benefits to their employees.

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

**SA 119.** Mr. CASEY (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PROTECTING RURAL HOSPITALS THAT LOST REVENUE AND SAW AN INCREASE IN UNINSURED PATIENTS AS A RESULT OF REPEALING THE MEDICAID EXPANSION AND THE EXCHANGES.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to protecting rural hospitals that lost revenue and saw an increase in the number of uninsured patients due to the repeal of the Medicaid expansion and the Exchanges under the Patient Protection and Affordable Care Act (Public Law 111-148) to ensure that amounts equal to amounts provided under such Act continue to be provided to such facilities by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 120.** Mr. MERKLEY submitted an amendment intended to be proposed by

him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

**SEC. 4. POINT OF ORDER AGAINST A BUDGET RECONCILIATION MEASURE THAT FAILS TO INCLUDE A NON-DISCRIMINATION PROVISION.**

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider a bill or joint resolution reported pursuant to section 2001 or 2002, or an amendment to, motion on, conference report on, or amendment between the Houses in relation to, such a bill or joint resolution, if the bill or joint resolution fails to include a provision referred to in subsection (b).

(b) NONDISCRIMINATION PROVISION.—The provision referred to in subsection (a) is a provision that forbids discrimination on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, age, or disability in employment for, contracting for, or provision of, the programs and activities covered by the bill or joint resolution.

(c) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

**SA 121.** Mr. MERKLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

**SEC. 4. POINT OF ORDER AGAINST REDUCING FUNDING THAT WOULD HELP STATE OR LOCAL HEALTH DEPARTMENTS BATTLE THE ZIKA VIRUS.**

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider a bill or joint resolution reported pursuant to section 2001 or section 2002, or an amendment to, motion on, conference report on, or amendment between the Houses in relation to such a bill or joint resolution, that would reduce funding, provided by the Prevention and Public Health Fund, established under section 4002 of the Patient Protection and Affordable Care Act (42 U.S.C. 300u-11), to the Epidemiology and Laboratory Capacity Program that would help State or local health departments battle the Zika virus.

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

**SA 122.** Mr. MERKLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States

Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

**SEC. 4. POINT OF ORDER AGAINST LEGISLATION THAT IMPACTS THE ABILITY OF A YOUNG PERSON FROM STAYING ON THEIR PARENTS' HEALTH INSURANCE PLAN.**

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would repeal or reduce premium assistance tax credits for individuals between the ages of 18 and 26, or prevent them from staying on their parents' health insurance plan.

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

**SA 123.** Mr. MERKLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

**SEC. 4. POINT OF ORDER AGAINST REDUCING HEALTH INSURANCE ASSISTANCE FOR CHILDREN WITH CANCER.**

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider a bill or joint resolution reported pursuant to section 2001 or 2002, or an amendment to, motion on, conference report on, or amendment between the Houses in relation to such a bill or joint resolution, that reduces health insurance assistance, including by reducing or eliminating the premium assistance credit under section 36B of the Internal Revenue Code of 1986 for children diagnosed with cancer without any equivalent substitute or replacement.

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

**SA 124.** Mr. MERKLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

**SEC. 4. POINT OF ORDER AGAINST INCREASING TAXES ON LOWER INCOME AMERICANS WHILE REDUCING TAXES FOR THE TOP 1 PERCENT.**

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider a bill or joint

resolution reported pursuant to section 2001 or 2002, or an amendment to, motion on, conference report on, or amendment between the Houses in relation to such a bill or joint resolution, that increases taxes for individuals within the bottom 60 percent for annual income while reducing taxes for individuals within the top 1 percent for annual income.

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

**SA 125.** Mr. MERKLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

**SEC. 4. POINT OF ORDER AGAINST LEGISLATION THAT FAILS TO PROTECT INDIVIDUALS WITH PRE-EXISTING CONDITIONS.**

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider a bill or joint resolution reported pursuant to section 2001 or section 2002, or an amendment to, motion on, conference report on, or amendment between the Houses in relation to such a bill or joint resolution, that would repeal or reduce premium assistance tax credits for individuals with pre-existing conditions, such as cancer, heart disease, diabetes, or old injuries, or prevent these individuals from receiving the insurance coverage afforded to them under the Patient Protection and Affordable Care Act (Public Law 111-148).

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

**SA 126.** Mr. COONS (for himself, Mr. BROWN, Ms. BALDWIN, Mr. KING, Mr. VAN HOLLEN, Ms. WARREN, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; as follows:

At the end of title IV, add the following:

**SEC. 4. POINT OF ORDER AGAINST LEGISLATION THAT WOULD PERMIT LIFETIME LIMITS ON HEALTH CARE COVERAGE.**

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would permit lifetime limits on health care coverage.

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall



be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

**SA 127.** Ms. WARREN submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO SUPPORTING EFFORTS OF THE FOOD AND DRUG ADMINISTRATION WITH RESPECT TO ACCESS TO OVER-THE-COUNTER HEARING AIDS FOR INDIVIDUALS WITH PERCEIVED MILD TO MODERATE HEARING LOSS.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to supporting efforts of the Food and Drug Administration with respect to access to over-the-counter hearing aids for individuals with perceived mild to moderate hearing loss by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 128.** Ms. WARREN submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO SUPPORTING EFFORTS OF THE FOOD AND DRUG ADMINISTRATION TO IMPROVE POSTMARKET DEVICE SURVEILLANCE AND TO INCLUDE DEVICE IDENTIFIER INFORMATION IN MEDICAL CLAIMS FORMS.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to supporting efforts of the Food and Drug Administration to improve postmarket device surveillance and to include device identifier information in medical claims forms by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 129.** Ms. WARREN submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary

levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO SUPPORTING EFFORTS TO PROMOTE CLINICAL TRIAL DATA SHARING THAT SUPPORTS MEDICAL RESEARCH AND INNOVATION.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to supporting efforts to promote clinical trial data sharing that supports medical research and innovation by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 130.** Ms. WARREN submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

**SEC. 4. POINT OF ORDER AGAINST LEGISLATION THAT WOULD OBSTRUCT NATIONAL INSTITUTES OF HEALTH, FOOD AND DRUG ADMINISTRATION, AND OPIOID PROGRAM FUNDING PROMISED UNDER THE 21ST CENTURY CURES ACT.**

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would cause amounts authorized to be appropriated from the NIH Innovation Account, the FDA Innovation Account, or the Account For the State Response to the Opioid Abuse Crisis under the 21st Century Cures Act (Public Law 114-255) not to be appropriated in the full amounts set forth in such Act.

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

**SA 131.** Mr. WYDEN (for himself, Mr. MARKEY, Mr. CARDIN, Mr. VAN HOLLEN, Ms. WARREN, Ms. STABENOW, and Mr. REED) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

**SEC. 4. POINT OF ORDER AGAINST LEGISLATION THAT REDUCES THE LIFE OF THE MEDICARE PROGRAM FOR CURRENT AND FUTURE BENEFICIARIES.**

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill,

joint resolution, motion, amendment, amendment between the Houses, or conference report that reduces the life of the Medicare program for current and future beneficiaries by including a provision that reduces revenue to the Medicare Federal Hospital Insurance Trust Fund.

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

**SEC. 4. POINT OF ORDER AGAINST LEGISLATION THAT CUTS FUNDING TO STATES AVAILABLE UNDER CURRENT LAW TO PROVIDE COMPREHENSIVE, AFFORDABLE HEALTH CARE TO LOW-INCOME AMERICANS.**

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that cuts funding to States available under current law to provide comprehensive, affordable health care to low-income Americans, including those struggling with opioid addiction and mental health conditions and those in need of nursing home care, by repealing the Medicaid expansion or otherwise reducing Federal financial assistance to States available under the Medicaid program.

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

**SA 132.** Mr. FRANKEN (for himself, Mr. VAN HOLLEN, and Mr. BROWN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

**SEC. 4. POINT OF ORDER AGAINST LEGISLATION THAT WOULD DRIVE UP HEALTH INSURANCE COMPANY PROFITS.**

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would enable commercial health insurers to use less than 80 percent of premium income to pay for claims and quality improvement measures.

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

**SA 133.** Mr. WYDEN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and

setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO A CONGRESSIONAL TRADE NEGOTIATING OBJECTIVE TO ELIMINATE BINATIONAL REVIEW OF TRADE REMEDY DETERMINATIONS IN ANY RENEGOTIATION OF THE NORTH AMERICAN FREE TRADE AGREEMENT.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to a congressional trade negotiating objective to eliminate binational panel and committee review of final antidumping and countervailing duty determinations in any renegotiation of the North American Free Trade Agreement by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 134.** Mr. SANDERS (for himself, Ms. STABENOW, and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO LOWERING PRESCRIPTION DRUG PRICES FOR AMERICANS BY IMPORTING DRUGS FROM CANADA AND OTHER COUNTRIES.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to lowering prescription drug prices, including through the importation of safe and affordable prescription drugs by American pharmacists, wholesalers, and individuals with a valid prescription from a provider licensed to practice in the United States, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 135.** Mr. FRANKEN (for himself, Ms. WARREN, Mr. WHITEHOUSE, Ms. BALDWIN, and Mr. REED) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO CLOSING THE CARRIED INTEREST LOOPHOLE.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to the taxation of income from investment partnerships (known as carried interest), which may include legislation that allows for the taxing as ordinary income of a partner's share of income on an investment services partnership interest, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 136.** Mr. CARDIN (for himself, Ms. HIRONO, Mr. BOOKER, Mr. BROWN, Mr. CARPER, Mr. VAN HOLLEN, and Ms. WARREN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

**SEC. 4. POINT OF ORDER AGAINST REDUCING ACCESS TO, OR AFFORDABILITY OF, HEALTH CARE SERVICES FOR MINORITIES AND OTHER POPULATIONS THAT HAVE BEEN HISTORICALLY SUBJECT TO DISCRIMINATION.**

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that, as determined by the Director of the Congressional Budget Office, would reduce access to, or affordability of, health care services for minorities and other populations that have been historically subject to discrimination, including American Indians and Alaskan Natives, Asian Americans, African Americans, Latino Americans, and Native Hawaiians or other Pacific Islanders, by reversing the significant gains in access to and affordability of health care services made by the Affordable Care Act, including—

(1) the expansion of Medicaid coverage to low-income Americans with incomes up to 138 percent of the Federal poverty level in the States that have implemented the Medicaid expansion, benefitting 51 percent of American Indians and Alaska Natives, 32 percent of African Americans, 26 percent of Asian Americans, and 25 percent of Latino Americans; and

(2) the establishment of financial assistance, including premium tax credits and cost-sharing reductions, allowing 19 percent of American Indians and Alaska Natives, 23 percent of African Americans, 18 percent of Asian Americans, and 16 percent of Latino Americans to gain access to essential health care coverage.

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

**SA 137.** Mr. REED (for himself, Mr. BLUMENTHAL, Mr. VAN HOLLEN, and Ms. WARREN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

**SEC. 4. POINT OF ORDER AGAINST CUTTING LONG-TERM SERVICES AND SUPPORTS FOR SENIORS.**

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would cut long term services and supports for seniors, including nursing home care and home and community-based care, under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) by reducing Federal funding of State Medicaid programs, including by instituting a block grant model for Federal funding of State Medicaid programs or imposing per capita caps on Federal funding of State Medicaid programs.

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

**SA 138.** Mr. HELLER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO IMPROVING HEALTH CARE QUALITY FOR VETERANS AND THEIR DEPENDENTS.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to improving health care quality for veterans and their dependents, prohibiting legislation that forces or mandates veterans or their dependents to be enrolled in government-managed health care such as the Patient Protection and Affordable Care Act (Public Law 111-138), and ensuring availability and accessibility of health care through the Department of Veterans Affairs, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 139.** Mr. BROWN (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting

forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO DEBT INCURRED FROM HEALTH CARE EXPENSES.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to additional financial protections for consumers from the effects of any changes to the Patient Protection and Affordable Care Act, the Medicare program, the Medicaid program, or the Children's Health Insurance Program that result in increases in the costs of health care and in health care-related debts on consumer credit reports, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 140.** Ms. WARREN submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

**SEC. 4. POINT OF ORDER AGAINST LEGISLATION THAT FAILS TO PROTECT HEALTH CARE CONSUMERS.**

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that increases health insurance premiums, reduces cost-sharing subsidies, increases deductibles, or reduces network adequacy.

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

**SA 141.** Ms. WARREN (for herself, Ms. BALDWIN, and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO BLOOD DONATIONS.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports to support the development of risk-based de-

ferral criteria and policies regarding blood donation, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 142.** Ms. WARREN (for herself and Mr. CASEY) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PROVIDING FUNDING TO NIH AND FDA TO SUPPORT BIOMEDICAL INNOVATION RESEARCH.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to establishing a Biomedical Innovation Fund that will support \$5,000,000,000 in annual supplementary funds to the National Institutes of Health and the Food and Drug Administration to support biomedical innovation research by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 143.** Ms. CANTWELL (for herself, Mr. CARPER, Mr. BENNET, Mrs. SHAHEEN, Mr. MURPHY, Ms. WARREN, Mr. KING, Mr. VAN HOLLEN, Ms. KLOBUCHAR, Mr. WHITEHOUSE, Mr. WARNER, and Ms. DUCKWORTH) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; as follows:

At the end of title IV, add the following:

**SEC. 4. POINT OF ORDER AGAINST ANY CHANGES TO THE MEDICARE PROGRAM, THE MEDICAID PROGRAM, OR THE NUMBER OF AMERICANS ENROLLED IN PRIVATE HEALTH INSURANCE COVERAGE, IN A MANNER THAT WOULD RESULT IN REDUCED REVENUE TO HOSPITALS, HEALTH CARE CENTERS, AND PHYSICIANS AND OTHER HEALTH CARE PROVIDERS, THEREBY REDUCING THEIR INVESTMENTS IN HEALTH CARE DELIVERY SYSTEM REFORMS THAT IMPROVE PATIENT HEALTH OUTCOMES AND REDUCE COSTS.**

(a) FINDINGS.—The Senate finds the following:

(1) The Affordable Care Act is moving the health care system of the United States from a fee-for-service system that frequently incentivizes the overutilization of health care services and wasteful health care spending to a value- and performance-based health care system that promotes patient-centered and team-based care to keep Americans as healthy as possible, improve health outcomes, and lower health care costs.

(2) Because of the investments in health care delivery system reforms made by the Affordable Care Act, a third of Medicare pay-

ments to health care providers are now based on the overall quality of patient care and health outcomes achieved by such providers.

(b) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would change the Medicare program, the Medicaid program, or the number of Americans enrolled in private health insurance coverage, in a manner that would result in reduced revenue to hospitals, health care centers, and physicians and other health care providers, thereby reducing their investments in health care delivery system reforms that improve patient health outcomes and reduce costs.

(c) WAIVER AND APPEAL.—Subsection (b) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (b).

**SA 144.** Ms. KLOBUCHAR (for herself and Ms. WARREN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

**SEC. 4. POINT OF ORDER AGAINST LEGISLATION THAT WOULD RESTRICT TRANSPARENCY IN THE RELATIONSHIP BETWEEN PHYSICIANS AND MANUFACTURERS OF DRUGS, DEVICES, BIOLOGICAL PRODUCTS, OR MEDICAL SUPPLIES, INCLUDING THROUGH REPEAL OF THE PHYSICIAN PAYMENTS SUNSHINE ACT PROVIDED UNDER THE PATIENT PROTECTION AND AFFORDABLE CARE ACT.**

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would restrict transparency in the relationship between physicians and manufacturers of drugs, devices, biological products, or medical supplies, including through repeal of the Physician Payments Sunshine Act provided under section 6002 of the Patient Protection and Affordable Care Act.

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

**SA 145.** Mr. MURPHY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

**SEC. \_\_\_\_\_. SENSE OF THE SENATE THAT THE PATIENT PROTECTION AND AFFORDABLE CARE ACT SHOULD NOT BE REPEALED WITHOUT A COMPREHENSIVE LEGISLATIVE REPLACEMENT.**

It is the sense of the Senate that, in order to avoid major detrimental impacts to millions of Americans, the Patient Protection and Affordable Care Act should not be repealed without simultaneous legislative action on comprehensive replacement legislation that will provide at least the same level of health care coverage as current law.

**SA 146.** Ms. WARREN submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

**SEC. 4 \_\_\_\_\_. POINT OF ORDER AGAINST LEGISLATION THAT WOULD HAVE THE EFFECT OF NOT ALLOWING STATE GOVERNMENTS TO KEEP THEIR CURRENT HEALTH CARE PROTECTIONS ESTABLISHED BY THE PATIENT PROTECTION AND AFFORDABLE CARE ACT.**

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would have the effect of not allowing State governments to keep their current health care protections established by the Patient Protection and Affordable Care Act.

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

**SA 147.** Ms. CANTWELL (for herself, Mr. SCHUMER, Mrs. GILLIBRAND, Ms. KLOBUCHAR, and Mr. FRANKEN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

**SEC. 4 \_\_\_\_\_. POINT OF ORDER AGAINST LEGISLATION THAT WOULD REDUCE FEDERAL ASSISTANCE TO STATES THAT CHOOSE TO IMPLEMENT THE BASIC HEALTH PROGRAM.**

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would reduce Federal assistance to States that choose to implement the basic health program under section 1331 of the Patient Protection and Affordable Care Act (42 U.S.C. 18051), in order to preserve low-cost, efficient health insurance for low-income Americans while increasing health insurance enrollment and reducing State budget expenditures.

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of

the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

**SA 148.** Mr. CARPER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

**SEC. 4 \_\_\_\_\_. POINT OF ORDER AGAINST LEGISLATION THAT WOULD REDUCE COVERAGE OR INCREASE HEALTH CARE COSTS FOR INDIVIDUALS WITH DEMENTIA UNDER MEDICAID, MEDICARE, OR PRIVATE HEALTH INSURANCE.**

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would reduce coverage or increase health care costs for individuals with dementia under Medicaid, Medicare, or private health insurance.

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

**SA 149.** Mr. WYDEN (for himself, Mr. MERKLEY, Mr. CARDIN, Mr. MARKEY, Mr. LEAHY, Mr. VAN HOLLEN, Ms. WARREN, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

**SEC. 4 \_\_\_\_\_. POINT OF ORDER AGAINST UNDERMINING THE PURPOSE OF SECTION 1115 WAIVER DEMONSTRATIONS TO PROVIDE COMPREHENSIVE, AFFORDABLE HEALTH CARE TO LOW-INCOME AMERICANS.**

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would—

(1) eliminate or reduce a State's flexibility to employ waiver demonstrations approved under section 1115 of the Social Security Act (42 U.S.C. 1315) to provide comprehensive, affordable health care to low-income individuals eligible for medical assistance under section 1902(a)(10)(A)(i)(VIII) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)(VIII)) by eliminating or reducing the availability of Federal financial assistance to States available under the expansion of Medicaid under section 1905(y)(1) or 1905(z)(2) of the Social Security Act (42 U.S.C. 1396d(y)(1), 1396d(z)(2)); or

(2) undermine the purpose of such waivers to demonstrate and evaluate policy approaches such as expanding eligibility to in-

dividuals who are not otherwise Medicaid or CHIP eligible, providing services not typically covered by Medicaid, or using innovative service delivery systems that improve care, increase efficiency, and reduce costs, by instituting harmful policies such as work requirements and onerous premiums and cost-sharing requirements that are not in line with the objectives of such waivers.

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

**SA 150.** Mr. WYDEN (for himself, Mrs. MURRAY, Mr. BENNET, Mr. BLUMENTHAL, Mr. BOOKER, and Mr. WARNER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 3 \_\_\_\_\_. DEFICIT-NEUTRAL RESERVE FUND RELATING TO HELPING STATES, COUNTIES, AND INDIAN TRIBES ADDRESS THE RECENT INCREASE IN FOSTER CARE ENTRIES DRIVEN BY THE OPIOID EPIDEMIC.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to helping States, counties, and Indian Tribes address the recent increase in foster care entries driven by the opioid epidemic through means such as allowing Federal child welfare matching funds to be used for substance use treatment and other evidence-based programs to help families stay safely together, providing resources to grandparents and other relatives, and improving the quality and oversight of Federally-funded foster care programs, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 151.** Mr. LEE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 3 \_\_\_\_\_. DEFICIT-NEUTRAL RESERVE FUND RELATING TO THE PROTECTION AND RECOVERY OF THE GREATER SAGE-GROUSE.**

(a) IN GENERAL.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions,

or conference reports relating to the implementing the delay described in subsection (b), requiring the coordination described in subsection (c), and precluding the judicial review described in subsection (d) by the amounts provided in such legislation for those purposes, provided that such legislation would not raise new revenue and would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

(b) **DESCRIPTION OF DELAY.**—A delay referred to in subsection (a) is, in the case of a State with a State management plan, a delay on the Secretary of the Interior making a finding under section 4(b)(3)(B) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)(3)(B)) with respect to the greater sage-grouse in the State until September 30, 2026.

(c) **DESCRIPTION OF COORDINATION.**—The coordination referred to in subsection (a) is—

(1) for the purpose of fostering coordination between a State management plan and Federal resource management plans that affect the greater sage-grouse, the Governor of a State with a State management plan providing notification to the Secretary of the Interior and the Secretary of Agriculture, as applicable, who, on receipt of that notification, may not exercise authority under section 204 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714) to make, modify, or extend any withdrawal, or amend or otherwise modify, any Federal resource management plan applicable to Federal land in the State in a manner inconsistent with the State management plan for a period, to be specified by the Governor of the State, of not fewer than 5 years beginning on the date on which the Governor provides the notification;

(2) in the case of any State that provides notification under paragraph (1), if any withdrawal was made, modified, or extended, or if any amendment or modification of a Federal resource management plan applicable to Federal land in the State was issued during the 3-year period before the date on which the Governor provides the notification and the withdrawal, amendment, or modification alters the management of the greater sage-grouse or the habitat of the greater sage-grouse—

(A) staying the implementation and operation of the withdrawal, amendment, or modification to the extent that the withdrawal, amendment, or modification is inconsistent with the State management plan; and

(B) applying the Federal resource management plan (as in effect immediately before the amendment or modification) with respect to the management of the greater sage-grouse and the habitat of the greater sage-grouse, to the extent that the Federal resource management plan is consistent with the State management plan; and

(3) the Governor of the affected State resolving any disagreement regarding whether a withdrawal of, or an amendment or other modification to, a Federal resource management plan is inconsistent with a State management plan.

(d) **DESCRIPTION OF JUDICIAL REVIEW.**—The judicial review referred to in subsection (a) is judicial review of the requirements and implementation of this amendment, including a determination made under subsection (c)(3).

**SA 152.** Mr. LEE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States

Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PROTECTING COMMUNITIES FROM DESTRUCTIVE OVERREACH BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to nullifying any regulation by the Department of Housing and Urban Development that interferes with and unduly burdens local zoning decisions, which may include the rule entitled “Affirmatively Furthering Fair Housing” (80 Fed. Reg. 42272 (July 16, 2015)), by the amounts provided in such legislation for those purposes, provided that such legislation would not raise new revenue and would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 153.** Mr. LEE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PROHIBITING THE ARMING OF VETTED ELEMENTS OF THE SYRIAN OPPOSITION WITH SURFACE-TO-AIR WEAPON SYSTEMS.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to prohibiting the arming of appropriately vetted elements of the Syrian opposition (as defined in section 1209 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3541)) with surface-to-air weapon systems, without raising new revenue by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 154.** Mr. LEE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

**SEC. 2003. POINT OF ORDER AGAINST INCREASING THE PUBLIC DEBT LIMIT THROUGH RECONCILIATION.**

(a) **POINT OF ORDER.**—It shall not be in order in the Senate to consider a bill or joint

resolution reported pursuant to section 2001 or section 2002, or an amendment to, motion on, conference report on, or amendment between the Houses in relation to such a bill or joint resolution, which would increase the public debt limit under section 3101 of title 31, United States Code, during the period of fiscal years 2017 through 2026.

(b) **WAIVER.**—This section may be waived or suspended in the Senate only by the affirmative vote of two-thirds of the Members, duly chosen and sworn.

(c) **APPEALS.**—An affirmative vote of two-thirds of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on the point of order raised under this section.

**SA 155.** Mr. LEE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO HSA-ELIGIBLE HEALTH PLANS.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to health savings account-eligible health plans by the amounts provided in such legislation for those purposes, provided that such legislation would not raise new revenue and would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 156.** Mr. LEE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PREVENTING THE FEDERAL GOVERNMENT FROM PROVIDING ENHANCED FUNDING FOR ANY STATE'S EXPANSION OF THE MEDICAID PROGRAM.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to eliminating the enhanced Federal medical assistance percentages for the Medicaid expansion added by the Patient Protection and Affordable Care Act, without raising new revenue, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 157.** Mr. LEE submitted an amendment intended to be proposed by

him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO LABELING OF PRODUCTS AS MADE IN THE UNITED STATES.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to making exclusive the authority of the Federal Government to regulate the labeling of products made in the United States and introduced in interstate or foreign commerce by the amounts provided in such legislation for those purposes, without raising new revenue, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 158.** Mr. LEE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PROHIBITING THE EXPENDITURE OF AMOUNTS FROM THE LAND AND WATER CONSERVATION FUND UNTIL THE NATIONAL PARK SERVICE MAINTENANCE BACKLOG IS REDUCED.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to prohibiting amounts from the Land and Water Conservation Fund established under section 200302 of title 54, United States Code, to be used for land acquisition until the date on which the National Park Service maintenance backlog is less than \$5,000,000,000 by the amounts provided in such legislation for those purposes, without raising new revenue, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 159.** Mr. LEE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUNDS RELATING TO ASSISTING WORKING FAMILIES AND CHILDREN.**

(a) **INCOME SUPPORT.**—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to the Social Services Block Grant (SSBG), the Temporary Assistance for Needy Families (TANF) program, child support enforcement programs, or other assistance to working families, or to increase work participation rates under TANF, without raising new revenue, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

(b) **HOUSING ASSISTANCE.**—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to housing assistance, which may include working family rental assistance, or assistance provided through the Housing Trust Fund, or measures consolidating public housing authorities, or measures to create or increase work requirements for Section 8 voucher and public housing assistance recipients, without raising new revenue, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

(c) **CHILD WELFARE.**—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to child welfare programs, which may include the Federal foster care payment system, without raising new revenue, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 160.** Mr. LEE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 3003. DEFICIT-NEUTRAL RESERVE FUND RELATING TO A COMPREHENSIVE REVIEW OF THE UNITED STATES GOVERNMENT'S PARTICIPATION IN AND FUNDING OF THE UNITED NATIONS AND UNITED NATIONS-AFFILIATED ORGANIZATIONS.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between

the Houses, motions, or conference reports relating to a comprehensive review of the United States Government's participation in and funding of the United Nations and United Nations-affiliated organizations, by the amounts provided in such legislation for those purposes, provided that such legislation would not raise new revenue and would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 161.** Mr. LEE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PROHIBITING CERTAIN MODIFICATIONS OF THE APPLICATION OF THE MILITARY SELECTIVE SERVICE ACT BY EXECUTIVE OR JUDICIAL ACTION.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to prohibiting modification (whether by executive or judicial action) of the application of the Military Selective Service Act (50 U.S.C. 3801 et seq.) in order to require registration under that Act without regard to gender unless such registration is expressly authorized by an Act of Congress, without raising new revenue by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 162.** Mr. LEE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PAYMENTS IN LIEU OF TAXES.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to payments in lieu of taxes under chapter 69 of title 31, United States Code, including funding the payments in lieu of taxes program at levels roughly equivalent to lost tax revenues due to the presence of Federal land, by the amounts provided in such legislation for those purposes, without raising new revenue, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.



**SA 163.** Mr. LEE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO THE IMPLEMENTATION OF THE OAS REVITALIZATION AND REFORM STRATEGY.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports requiring the Secretary of State to submit an annual written report to Congress regarding the implementation of the multiyear strategy required under section 5 of the Organization of American States Revitalization and Reform Act of 2013 (22 U.S.C. 290q) and how the continued involvement of the United States in the Organization of American States accomplishes explicit foreign policy objectives in Latin America, by the amounts provided in such legislation for those purposes, provided that such legislation would not raise new revenue and would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 164.** Mr. LEE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO COMPILING A REPORT ON FEDERAL SPENDING IN FOREIGN NATIONS.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports requiring the Secretary of State to compile and submit a report to Congress on the aggregate expenditure of Federal funds by all Federal agencies and other entities created by Congress on programs or projects in foreign nations, by the amounts provided in such legislation for those purposes, provided that such legislation would not raise new revenue and would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 165.** Mr. LEE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO THE REGULATION OF BROADBAND INTERNET ACCESS SERVICE.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to the reclassification of broadband Internet access service as an information service and prohibiting the Federal Communications Commission from imposing certain regulations on providers of broadband Internet access service by the amounts provided in such legislation for those purposes, without raising new revenue, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 166.** Mr. LEE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 3003. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PROHIBITING THE IMPLEMENTATION OF THE PARIS AGREEMENT.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to prohibiting the implementation of the Paris Agreement, done at Paris December 12, 2015, by the amounts provided in such legislation for those purposes, provided that such legislation would not raise new revenue and would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 167.** Mr. HELLER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO STRENGTHENING SOCIAL SECURITY OR REPEALING AND REPLACING OBAMACARE.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to strengthening Social Security or repealing and replacing Obamacare, which may include step-by-step health reforms providing access to quality, affordable coverage for all Americans, safeguarding consumer protections, strengthening Medicare, and improving Medicaid, without raising new rev-

enue, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 168.** Mr. WYDEN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

**SEC. 4. POINT OF ORDER AGAINST LEGISLATION THAT RAISES TAXES OR HEALTH COSTS FOR THE MIDDLE CLASS AND WORKING FAMILIES TO FUND TAX CUTS FOR MILLIONAIRES.**

(a) **POINT OF ORDER.**—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that increases taxes, raises health insurance premiums, or leads to higher out-of-pocket health care costs for the middle class and working families while reducing tax burdens for households with incomes of \$1,000,000 or more.

(b) **WAIVER AND APPEAL.**—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

**SA 169.** Mr. MENENDEZ (for himself, Ms. WARREN, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO AVERTING THE MEDICAID FUNDING CLIFF IN PUERTO RICO AND ENSURING STABLE MEDICAID FUNDING FOR PUERTO RICO'S MEDICAID PROGRAM.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to averting the impending Medicaid funding cliff in Puerto Rico and ensuring stable Medicaid funding for Puerto Rico's Medicaid program for the foreseeable future by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 170.** Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and

setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

**SEC. 4. POINT OF ORDER AGAINST REDUCING MEDICAID COVERAGE FOR VETERANS.**

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report relating to Medicaid unless the Director of the Congressional Budget Office certifies that the legislation would not result in 1 or more veterans losing Medicaid coverage.

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

**SA 171.** Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PRESERVING THE REQUIREMENT OF PROVIDING LACTATION ROOMS AND REASONABLE BREAK TIME TO EMPLOYEES WHO ARE NURSING MOTHERS.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to preserving the requirement under section 7(r) of the Fair Labor Standards Act of 1938 providing lactation rooms and reasonable break time to employees who are nursing mothers for one year after the child's birth by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 172.** Mr. SANDERS (for Ms. KLOBUCHAR (for herself and Mr. SANDERS)) proposed an amendment to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO LOWERING PRESCRIPTION DRUG PRICES FOR AMERICANS BY IMPORTING DRUGS FROM CANADA AND OTHER COUNTRIES.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports

relating to lowering prescription drug prices, including through the importation of safe and affordable prescription drugs by American pharmacists, wholesalers, and individuals with a valid prescription from a provider licensed to practice in the United States, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 173.** Mr. ENZI (for Mr. BARRASSO) proposed an amendment to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO RURAL HEALTH AND REPEALING AND REPLACING OBAMACARE.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to strengthening Social Security and repealing and replacing Obamacare, which may include step-by-step reforms providing access to quality, affordable coverage for all Americans, maintaining access to critical rural health care services, and safeguarding consumer protections, without raising new revenue, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 174.** Mr. ALEXANDER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PERMITTING IMPORTATION OF PRESCRIPTION DRUGS ONLY UNDER CERTAIN CIRCUMSTANCES.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to permitting the importation of prescription drugs, which may include certifying public health and safety, strengthening Social Security and Medicare, and improving Medicaid, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 175.** Mr. WYDEN (for himself, Mr. SANDERS, Mr. BROWN, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the

concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

Beginning on page 45, strike line 2 and all that follows through page 46, line 14 and insert the following:

**SEC. 2000. FINDINGS.**

Congress finds the following:

(1) Total annual drug spending in the United States is projected to reach more than \$500,000,000,000 by 2018.

(2) One out of five Americans age 19 to 64 cannot afford to fill their prescriptions.

(3) Spending on prescription drugs in the United States grew by 12 percent in 2014, faster than in any year since 2002.

(4) Medicare part D drug spending was \$90,000,000,000 in 2015, and is expected to increase to \$216,000,000,000 by 2025.

(5) Medicare part B drug spending also more than doubled between 2005 and 2015, increasing from \$9,000,000,000 in 2005 to \$22,000,000,000 in 2015.

(6) In 2014, prescription drug spending in Medicaid increased by 24 percent.

(7) During the Presidential campaign, the President-elect said, "When it comes time to negotiate the cost of drugs, we're going to negotiate like crazy, folks" and his campaign website said that, "allowing consumers access to imported, safe and dependable drugs from overseas will bring more options to consumers."

(8) After being elected, the President-Elect said, "I'm going to bring down drug prices. I don't like what's happened with drug prices."

(9) On January 11, 2017, the President-elect said, "We have to create new bidding procedures for the drug industry, because they are getting away with murder."

**SEC. 2001. RECONCILIATION IN THE SENATE.**

(a) COMMITTEE ON FINANCE.—The Committee on Finance of the Senate shall report changes in laws within its jurisdiction to reduce the deficit by not less than \$1,000,000,000 for the period of fiscal years 2017 through 2026.

(b) COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.—The Committee on Health, Education, Labor, and Pensions of the Senate shall report changes in laws within its jurisdiction to reduce the deficit by not less than \$1,000,000,000 for the period of fiscal years 2017 through 2026.

(c) REQUIREMENT.—Changes in laws reported by such Committees shall bring down the price of drugs as promised by the President-Elect.

(d) SUBMISSIONS.—In the Senate, not later than January 27, 2017, the Committees named in subsections (a) and (b) shall submit their recommendations to the Committee on the Budget of the Senate. Upon receiving all such recommendations, the Committee on the Budget of the Senate shall report to the Senate a reconciliation bill carrying out all such recommendations without any substantive revision.

**SEC. 2002. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.**

(a) COMMITTEE ON ENERGY AND COMMERCE.—The Committee on Energy and Commerce of the House of Representatives shall submit changes in laws within its jurisdiction to reduce the deficit by not less than \$1,000,000,000 for the period of fiscal years 2017 through 2026.

(b) COMMITTEE ON WAYS AND MEANS.—The Committee on Ways and Means of the House of Representatives shall submit changes in laws within its jurisdiction to reduce the deficit by not less than \$1,000,000,000 for the period of fiscal years 2017 through 2026.

(c) REQUIREMENT.—Changes in laws reported by such Committees shall bring down the price of drugs as promised by the President-Elect.

(d) SUBMISSIONS.—In the House of Representatives, not later than January 27, 2017, the committees named in subsections (a) and (b) shall submit their recommendations to the Committee on the Budget of the House of Representatives to carry out this section.

**SA 176.** Mr. FLAKE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO ENHANCING VETERANS HEALTH CARE, HOUSING, AND THE WORKFORCE OF THE DEPARTMENT OF VETERANS AFFAIRS.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to improving veterans' housing and health care for veterans and their dependents, which may include repealing Obamacare, facilitating medical facility leases, reforming veterans housing programs, and prohibiting the Secretary of Veterans Affairs from employing individuals who have been convicted of a felony and medical personnel who have ever had their medical licenses or credentials revoked or suspended, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 177.** Mr. CORNYN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO LAW ENFORCEMENT, MENTAL HEALTH, AND OPIOID ABUSE.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to law enforcement training, mental health, and opioid abuse, which may include increasing prevention, treatment, and recovery activities, veterans and drug court reforms, and repealing and replacing Obamacare, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 178.** Ms. KLOBUCHAR (for herself and Mr. SANDERS) submitted an amend-

ment intended to be proposed by her to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO LOWERING PRESCRIPTION DRUG PRICES FOR AMERICANS BY IMPORTING DRUGS FROM CANADA.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to lowering prescription drug prices, including through the importation of safe and affordable prescription drugs from Canada by American pharmacists, wholesalers, and individuals with a valid prescription from a provider licensed to practice in the United States, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 179.** Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PROTECTIONS FOR THE ELDERLY AND DISABLED.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to reforming housing and Medicaid, which may include returning State regulation of health insurance markets to the States, without raising new revenue, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 180.** Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO STRENGTHENING SOCIAL SECURITY AND REPEALING AND REPLACING OBAMACARE.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolu-

tions, amendments, amendments between the Houses, motions, or conference reports relating to strengthening Social Security and repealing and replacing Obamacare, which may include reforms that strengthen Medicaid and the Children's Health Insurance Program without prioritizing able-bodied adults over the disabled or children and lead to step-by-step reforms providing access to quality, affordable coverage for all Americans, and safeguarding consumer protections, without raising new revenue, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 181.** Mr. BARRASSO submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; as follows:

At the end of title III, add the following:

**SEC. 3. DEFICIT-NEUTRAL RESERVE FUND RELATING TO STRENGTHENING SOCIAL SECURITY AND REPEALING OBAMACARE.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports, relating to strengthening Social Security and repealing and replacing Obamacare, which may include step-by-step reforms providing access to quality, affordable coverage for all Americans, including people with disabilities and chronic conditions, and safeguarding consumer protections such as a ban on lifetime limits, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 182.** Mr. WYDEN (for himself, Mr. MERKLEY, and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . CRITERIA FOR LIMITED ADJUSTMENT FOR WILDFIRE SUPPRESSION FUNDING.**

If a measure becomes law that amends the adjustments to discretionary spending limits established under section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)) to provide for wildfire suppression funding, which may include criteria for making such an adjustment, the Chairman of the Committee on the Budget of the Senate may adjust the allocation called for in section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) to the appropriate committee or committees of the Senate, and may adjust all other budgetary aggregates, allocations, levels, and

limits contained in this resolution, as necessary, consistent with such measure.

**SA 183.** Mr. WYDEN (for himself, Mr. MERKLEY, and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. DEFICIT-NEUTRAL RESERVE FUND RELATING TO CONSERVING FEDERAL LAND, ENHANCING ACCESS TO FEDERAL LAND FOR RECREATIONAL OPPORTUNITIES, AND MAKING INVESTMENTS IN COUNTIES AND SCHOOLS.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to Federal programs for land and water conservation and acquisition or the preservation, restoration, or protection of public land, oceans, coastal areas, or aquatic ecosystems, making changes to or providing for the reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7101 et seq.), making changes to or providing for the reauthorization of the payments in lieu of taxes program under chapter 69 of title 31, United States Code, or making changes to or providing for the reauthorization of both laws, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 184.** Mrs. FISCHER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; as follows:

At the appropriate place, add the following:

**SEC. \_\_\_\_\_. DEFICIT-NEUTRAL RESERVE FUND RELATING TO SOCIAL SECURITY OR WOMEN'S HEALTH.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports, relating to strengthening Social Security or health care for women, which may include strengthening community health centers, and repealing and replacing the Patient Protection and Affordable Care Act, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 185.** Mr. WYDEN submitted an amendment intended to be proposed by

him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title III, add the following:  
**SEC. 3 \_\_\_\_\_. DEFICIT-NEUTRAL RESERVE FUND RELATING TO RELEASE OF TAX RETURNS OF THE PRESIDENT.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to public disclosure of the individual tax returns of the President by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2017 through 2021 or the period of the total of fiscal years 2017 through 2026.

**SA 186.** Mr. WYDEN (for himself, Mr. UDALL, Mr. CARPER, Ms. HIRONO, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:  
**SEC. 4 \_\_\_\_\_. POINT OF ORDER AGAINST LEGISLATION THAT SLASHES THE COMPENSATION OF INDIVIDUAL FEDERAL EMPLOYEES.**

(a) POINT OF ORDER.—Subject to subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that directly reduces the compensation of 1 or more individual Federal employees.

(b) EXCLUSION.—Subsection (a) shall not apply to a provision of a bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that provides for the reduction of the compensation of a Federal employee based on conduct of the Federal employee that prohibits or prevents another Federal employee from, or penalizes another Federal employee for, communicating with Congress.

(c) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

**SA 187.** Mr. WYDEN (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

**SEC. 4 \_\_\_\_\_. POINT OF ORDER AGAINST LEGISLATION THAT DOES NOT LOWER DRUG PRICES.**

(a) FINDINGS.—The Senate finds the following:

(1) Total annual drug spending in the United States is projected to reach more than \$500,000,000,000 by 2018.

(2) One out of five Americans age 19 to 64 cannot afford to fill their prescriptions.

(3) Spending on prescription drugs in the United States grew by 12 percent in 2014, faster than in any year since 2002.

(4) Medicare part D drug spending was \$90,000,000,000 in 2015, and is expected to increase to \$216,000,000,000 by 2025.

(5) Medicare part B drug spending also more than doubled between 2005 and 2015, increasing from \$9,000,000,000 in 2005 to \$22,000,000,000 in 2015.

(6) In 2014, prescription drug spending in Medicaid increased by 24 percent.

(7) During the Presidential campaign, the President-elect said, "When it comes time to negotiate the cost of drugs, we're going to negotiate like crazy, folks" and his campaign website said that, "allowing consumers access to imported, safe and dependable drugs from overseas will bring more options to consumers."

(8) After being elected, the President-elect said, "I'm going to bring down drug prices. I don't like what's happened with drug prices."

(9) On January 11, 2017, the President-elect said, "We have to create new bidding procedures for the drug industry, because they are getting away with murder."

(b) POINT OF ORDER.—It shall not be in order in the Senate to consider a bill or joint resolution reported pursuant to section 2001 or 2002, or an amendment to, motion on, conference report on, or amendment between the Houses in relation to such a bill or joint resolution that does not, as promised by the President-elect, lower drug prices as certified by the Congressional Budget Office.

(c) WAIVER AND APPEAL.—Subsection (b) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (b).

**SA 188.** Mr. WYDEN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; as follows:

At the end of title IV, add the following:  
**SEC. 4 \_\_\_\_\_. POINT OF ORDER AGAINST LEGISLATION THAT DOES NOT LOWER DRUG PRICES.**

(a) FINDINGS.—The Senate finds the following:

(1) Total annual drug spending in the United States is projected to reach more than \$500,000,000,000 by 2018.

(2) One out of five Americans age 19 to 64 cannot afford to fill their prescriptions.

(3) Spending on prescription drugs in the United States grew by 12 percent in 2014, faster than in any year since 2002.

(4) Medicare part D drug spending was \$90,000,000,000 in 2015, and is expected to increase to \$216,000,000,000 by 2025.

(5) Medicare part B drug spending also more than doubled between 2005 and 2015, increasing from \$9,000,000,000 in 2005 to \$22,000,000,000 in 2015.

(6) In 2014, prescription drug spending in Medicaid increased by 24 percent.

(7) During the Presidential campaign, the President-elect said, "When it comes time to negotiate the cost of drugs, we're going to negotiate like crazy, folks" and his campaign website said that, "allowing consumers access to imported, safe and dependable drugs from overseas will bring more options to consumers."

(8) After being elected, the President-elect said, "I'm going to bring down drug prices. I don't like what's happened with drug prices."

(9) On January 11, 2017, the President-elect said, "We have to create new bidding procedures for the drug industry, because they are getting away with murder."

(b) POINT OF ORDER.—It shall not be in order in the Senate to consider a bill or joint resolution reported pursuant to section 2001 or 2002, or an amendment to, motion on, conference report on, or amendment between the Houses in relation to such a bill or joint resolution that does not, as promised by the President-elect, lower drug prices, as certified by the Congressional Budget Office.

(c) WAIVER AND APPEAL.—Subsection (b) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (b).

**SA 189.** Ms. WARREN submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

**SEC. 4 . . . POINT OF ORDER AGAINST LEGISLATION THAT WOULD HAVE THE EFFECT OF NOT ALLOWING STATE GOVERNMENTS TO KEEP THEIR CURRENT HEALTH CARE PROTECTIONS AS ALLOWED BY THE PATIENT PROTECTION AND AFFORDABLE CARE ACT.**

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would have the effect of not allowing State governments to keep their current health care protections as allowed by the Patient Protection and Affordable Care Act, or reducing, weakening, or eliminating health insurance coverage.

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate

only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

#### AUTHORITY FOR COMMITTEES TO MEET

Mr. CORNYN. Mr. President, I have four requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a meeting during the session of the Senate on Wednesday, January 11, 2017, at 10:15 a.m. in room G50 of the Dirksen Senate Office Building.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, January 11, 2017, at 9 a.m. to hold a hearing entitled "Nominations."

##### COMMITTEE ON FOREIGN RELATIONS

Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, January 11, 2017, at 6 p.m. to hold a business meeting.

##### COMMITTEE ON THE JUDICIARY

Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on January 11, 2017, at 9:30 a.m., in room SR-325 of the Russell Senate Office Building to conduct a hearing entitled "Attorney General Nomination."

#### PRIVILEGES OF THE FLOOR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that Cristina Diaz-Torres and Elena Elkin, two fellows in my office, be granted floor privileges for the remainder of this Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for the 2016 fourth quarter Mass Mailing report is Wednesday, January 25, 2017.

An electronic option is available on Webster that will allow forms to be submitted via a fillable pdf document. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations or negative reports can be submitted electronically or delivered to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510-7116.

The Senate Office of Public Records is open from 9:00 a.m. to 6:00 p.m. For further information, please contact the Senate Office of Public Records at (202) 224-0322.

#### ORDERS FOR THURSDAY, JANUARY 12, 2017

Mr. ENZI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 12:30 p.m., Thursday, January 12—that would be today; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; finally, that following leader remarks, the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADJOURNMENT UNTIL 12:30 P.M. TODAY

Mr. ENZI. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 1:36 a.m., adjourned until Thursday, January 12, 2017, at 12:30 p.m.

# EXTENSIONS OF REMARKS

## MEMORANDUM REGARDING AUTHORIZATION OF THE DEPARTMENT OF HOMELAND SECURITY

**HON. PAUL D. RYAN**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 11, 2017*

Mr. RYAN of Wisconsin. Mr. Speaker, I submit the following memorandum regarding authorization of the Department of Homeland Security:

We, the chairs of the committees with jurisdiction over the Department of Homeland Security or its components, are hereby recording our agreement on the following principles for the 115th Congress:

1. The Department of Homeland Security ("the Department") and its components should be authorized on a regular basis to ensure robust oversight and improve its operation.

2. Committees with jurisdiction over the Department and its components will prioritize the authorization of the Department and any unauthorized or expiring component in that committee's authorization and oversight plan.

3. To the maximum extent practicable, the committees with jurisdiction over unauthorized or expiring components of the Department shall coordinate with the Committee on Homeland Security to produce a comprehensive authorization bill for the Department.

4. The Committee on Homeland Security shall coordinate with the committees with jurisdiction over unauthorized or expiring components of the Department in the development of any comprehensive authorization bill for the Department.

5. The Committee on Homeland Security and the committees with jurisdiction over components of the Department shall jointly develop a process for the vetting and pre-clearing of base text and amendments offered at subcommittee and full committee markups of a DHS authorization bill in the Committee on Homeland Security that fall within the jurisdiction of a committee other than or in addition to the Committee on Homeland Security.

6. The committees will expedite consideration of any comprehensive authorization bill for the Department, including timely resolution of any matters subject to a sequential or additional referral.

7. To the extent that there are policy differences between the committees regarding a provision of the comprehensive authorization bill for the Department, the committees will make best efforts to resolve any such dispute.

8. The Committee on Homeland Security Committee shall not include any provision in a comprehensive authorization bill that the chair of the Committee on Ways and Means has determined to be a revenue provision or a provision affecting revenue. If the chair of the Committee on Ways and Means makes such a determination, nothing in this agreement shall be construed to preclude that chair from exercising an additional or sequential referral over the measure, or a point of order under clause 5(a) of Rule XXI of the Rules of the House of Representatives.

9. Nothing in this agreement shall be construed as altering any committee's jurisdiction under rule X of the Rules of the House of Representatives or the referral of any measure thereunder.

10. Further, nothing in this memorandum precludes a further agreement between the committees with regard to the implementation of a process to ensure regular comprehensive authorizations of the Department.

Signed,

GREGG WALDEN, *Chair,*  
*Committee on Energy*  
*and Commerce.*

DEVIN NUNES, *Chair,*  
*Permanent Select Committee on Intelligence.*

JASON CHAFFETZ, *Chair,*  
*Committee on Oversight and Government Reform.*

BILL SHUSTER, *Chair,*  
*Committee on Transportation and Infrastructure.*

MICHAEL T. MCCAUL, *Chair,*  
*Committee on Homeland Security.*

BOB GOODLATTE, *Chair,*  
*Committee on the Judiciary.*

LAMAR SMITH, *Chair,*  
*Committee on Science, Space and Technology.*

KEVIN BRADY, *Chair,*  
*Committee on Ways and Means.*

## HONORING RAMONA BAX ON HER RETIREMENT AFTER 50 YEARS OF SERVICE TO THE BANK OF ST. ELIZABETH

**HON. BLAINE LUETKEMEYER**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 11, 2017*

Mr. LUETKEMEYER. Mr. Speaker, I rise today to honor a constituent of mine, Mrs. Ramona Bax on her retirement after 50 years of employment with the Bank of St. Elizabeth. Mrs. Bax has been a constant friendly face during her years working at the bank. The patrons, management, and her co-workers will miss her welcoming personality at the bank.

Mrs. Bax has been a lifelong resident of the St. Elizabeth community and is thankful for the opportunity to live and work in such a great town. As a fellow resident of St. Elizabeth, we are also thankful to have her as a friend, neighbor, and member of our community. In her spare time, Mrs. Bax volunteered her time at the St. Elizabeth school during the years her children attended and also while her grandchildren attend the school. She is also an active member of St. Lawrence Catholic Church. The entire community has benefited from her volunteering spirit.

Mrs. Bax has been married to her husband, Richard, for 56 years. They have four children,

John, Charles, Glenn, and Stacy, and are the proud grandparents of ten grandchildren and great-grandparents of three great-grandchildren. With her retirement, Mrs. Bax will be able to enjoy more time with her wonderful family.

I ask you to join me in recognizing Mrs. Ramona Bax on her retirement. The commitment she has shown to the Bank of St. Elizabeth for 50 years is a commendable accomplishment. It is an honor to represent her in the United States Congress.

## HONORING GARY DARLING FOR HIS DEDICATED SERVICE

**HON. JERRY MCNERNEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 11, 2017*

Mr. MCNERNEY. Mr. Speaker, I, along with my colleagues, Representatives DESAULNIER and HUFFMAN, rise today to honor Gary W. Darling for dedicating 33 years to an incredible career as a water professional. Mr. Darling developed his technical background by graduating from the University of California, Davis and becoming a registered professional civil engineer. His academic pedigree led him to a long and productive career in managing and leading a water agency, numerous infrastructure projects, and building coalitions in Northern California.

For 15 years, Mr. Darling managed the Los Vaqueros Reservoir Project, which is a crucial reservoir for our region's water supply and environment. He was a Project Manager during the planning and environmental review phases for the \$1 billion Freeport Regional Water Authority and served for six years on the Board of Directors for the California Association of Sanitation Agencies. Notably, he served 11 years as General Manager of Delta Diablo, overseeing wastewater resource recovery services for 200,000 people across Antioch, Bay Point, and Pittsburg. Delta Diablo is proud to be an award-winning agency that is "transforming wastewater to resources" by investing in innovative solutions and partnerships.

Mr. Darling also has a long and successful history of leading organizations. For more than eight years, he has led the 19-agency Bay Area Biosolids to Energy Coalition. Members implement regional biosolids management solutions to maximize renewable energy and minimize greenhouse gas emissions. To Gary's credit, this coalition has six pre-commercial bioenergy technology projects in development.

Gary Darling has shown impressive leadership of the 22-member Western Recycled Water Coalition (WRWC) over the last nine years. This important coalition recruits members and facilitates collaboration to develop sustainable water supplies for their communities throughout the western United States. WRWC secured close to \$35 million in federal funding that was leveraged with local and

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



state funds to construct eight essential water infrastructure projects. The coalition also secured \$4 million for feasibility studies and planning for 14 new projects. 2016 membership includes planning for 34 projects that will provide close to 200,000 acre-feet per year of sustainable water supplies. Mr. Darling and WRWC also worked with Lawrence Livermore National Laboratory, Stanford University, and others to pilot innovative new desalination and wastewater technologies to advance the wastewater resource recovery industry.

In conclusion, we ask our colleagues to join us in acknowledging and thanking Gary Darling for his service and significant contributions to our communities and water supply. We congratulate him on his retirement and are looking forward to his future ventures.

#### CONGRATULATIONS CLEMSON

#### HON. TOM RICE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 11, 2017*

Mr. RICE of South Carolina. Mr. Speaker, it is a privilege and honor to rise today to congratulate the Clemson University football team on their 2017 National Championship win over the University of Alabama.

In what was a nail-biting rematch of the 2016 National Championship game between the Clemson Tigers and the Alabama Crimson Tide, the Tigers came back this year with something to prove—and they did just that with their 35–31 win over the Tide.

While every member of the team played their hearts out, I'd like to recognize a very special player who hails from the Seventh District of South Carolina, wide receiver Hunter Renfrow. A native of Horry County and graduate of Socastee High School, Mr. Renfrow has had an outstanding season—catching six touchdowns and receiving 44 passes for a total of 495 yards this season.

Perhaps even more impressive than his talent on the field is his determination and hard work that got him there. He joined the Tigers football team as a walk on, later earning himself a scholarship and this year catching the championship-winning touchdown with just one second left in the game.

This National Title is a win for Mr. Renfrow, the players, the coaches, Clemson University, and all of South Carolina. Congratulations Clemson and Go Tigers.

#### RECOGNIZING THE ASIAN COMMUNITY SERVICE CENTER ON THE 10TH ANNIVERSARY OF THE CHINESE NEW YEAR FESTIVAL

#### HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 11, 2017*

Mrs. COMSTOCK. Mr. Speaker, I am pleased to take this opportunity to recognize the Asian Community Service Center on the 10th anniversary of the Chinese New Year Festival that is taking place at the Luther Jackson Middle School in Falls Church, Virginia on Saturday, January 14, 2017.

This family friendly festival will once again feature lion dances and the exciting Dragon

Parade, along with a variety of other dance and musical performances from Chinese and other Asian cultures.

I want to commend the Asian Community Service Center for enthusiastically inviting all Americans to attend this festival. Their warm hospitality provides an opportunity for everyone to learn about the unique beauty of the Chinese culture.

Mr. Speaker, I am honored to represent a significant number of Chinese Americans who live and work in my Congressional District. At the beginning of the Year of the Rooster, I would like to wish you and our colleagues a very happy and prosperous new year.

#### HONORING THE HEAD COACH OF THE KEISER UNIVERSITY BASKETBALL TEAM MR. ROLLIE MASSIMINO

#### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 11, 2017*

Mr. HASTINGS. Mr. Speaker, I rise today to honor Mr. Rollie Massimino, who is currently the head coach of the Keiser University Basketball Team in West Palm Beach, Florida. Serious fans of the sport of basketball know the history of this great sportsman. Mr. Massimino began his head coaching career at SUNY Stony Brook in 1969, and after nearly 50 years, recently compiled his 800th victory.

His other head coaching positions have included stints at the University of Nevada, Las Vegas and Cleveland State University. Mr. Massimino came to national attention as head coach of the Villanova Wildcats from 1980–1992. He is most famous for leading the Wildcats to their unforgettable upset of the top-seeded Georgetown Hoyas in the 1985 NCAA title game.

All who have known Mr. Massimino have been impressed by the sincerity and determination that he imparts to all the young men who have looked up to him throughout the years. Not a person who seeks the limelight, he is a truly great sportsman who has always been known for concentrating on winning and playing the game clean.

Mr. Speaker, Mr. Massimino's current Keiser team is 15 and 2 and riding a 12 game winning streak. His continual success is not surprising to American basketball fans, who admire him for his expertise and talent. I am very pleased that Mr. Rollie Massimino is presently guiding a team in my Congressional district to such distinction. He is a hero to many and a fine citizen, worthy of acclaim from us all.

#### DR. GILDARDO ANDRES CEBALLOS NAMED PHYSICIAN OF THE YEAR

#### HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 11, 2017*

Mr. OLSON. Mr. Speaker, I rise today to congratulate Dr. Gildardo Andres Ceballos of Richmond, TX, for being named OakBend Medical Center's 2016 Physician of the Year.

Dr. Ceballos, board-certified in internal medicine, was awarded this honor thanks to his

experience and reputation for kindness and sincerity appreciated by patients and staff alike. The Physician of the Year award is OakBend's highest recognition, which honors the physician who demonstrates significant skill, along with genuine compassion. Colleagues of Dr. Ceballos have described him as a positive professional and a role model both professionally and personally.

On behalf of the Twenty-Second Congressional District of Texas, congratulations again to Dr. Ceballos for being named OakBend Medical Center's 2016 Physician of the Year. We all benefit from his commitment to quality healthcare and we thank him for his dedication to keep Houstonians healthy.

#### HONORING THE LIFE OF GINA QUATTROCHI

#### HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 11, 2017*

Mr. NADLER. Mr. Speaker, I rise today to honor the life of Gina Quattrochi, a champion for HIV/AIDS healthcare and housing, who passed away in December.

In 1986, at the height of the AIDS crisis, Ms. Quattrochi was named to the board of the AIDS Resource Center and led negotiations to acquire a former hotel on Christopher St., in my district, which was renamed Bailey House. This hotel became the first group residence for people with AIDS in the country. At a time when HIV/AIDS was shrouded in fear and paranoia, Gina was fearless. She later served as CEO of Bailey House for 25 years. It was under Ms. Quattrochi's leadership that Bailey House grew from a small housing agency to a multimillion-dollar organization that provides a wide range of health and housing services to over 1,800 clients.

In addition to Bailey House, Ms. Quattrochi was a board member of several HIV/AIDS advocacy organizations, including the National AIDS Housing Coalition, where she also served as president; the Harlem Hospital Community Advisory Board; the Ryan White Integration of Care committee; and iHealth NYS. In 2014, she was appointed to Governor Andrew Cuomo's task force to reduce new statewide HIV infections to just 750 per year by 2020.

Ms. Quattrochi also fulfilled her longtime goal of extending the city's HIV/AIDS Services Administration, or HASA, services beyond just AIDS diagnoses to qualified people with HIV. Her lifetime of work transformed the conversation about how to help house, provide health care to, and feed people with HIV/AIDS.

As a longtime supporter and advocate for the Housing Opportunities for Persons with AIDS, or HOPWA, I am proud to have represented Gina and Bailey House for many years, but I am more proud to have called her a friend. She leaves behind an indelible legacy, she will be profoundly missed by the city of New York, the country, and the HIV/AIDS advocacy community. I can think of no greater tribute than the words of Emmy and Tony Award-winning author and AIDS activist Larry Kramer: "She was the most noble of heroines. She fought not only for us, but for all of mankind."

HONORING THE LIFE OF DONALD  
JAMES GRECO, MD—1925–2017

### HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 2017

Mr. ROYCE of California. Mr. Speaker, I rise today to pay tribute to Donald James Greco, MD, of Huntington Beach, California, who passed away on Tuesday, January 3, 2017.

Dr. Greco served our community with kindness and compassion for over 58 years.

Born in Des Moines, Iowa, he graduated from Creighton University School of Medicine in 1948 and began his career by serving our country proudly as a physician in the Korean War. Moving his first love and bride, Teresa Marasco, to Japan, he completed his military service as a Lieutenant in the Army.

Donald chased the sun to California in 1954, finishing his dermatology residency at University of California, Los Angeles, and opening his own practice, in 1956, in Long Beach. He found a home and we gained a doctor. When not serving as president of the Long Beach Medical Association, Donald donated his time teaching dermatology residents as an associate professor at UCLA.

His doctor's practice was his family and his family was his practice. Through generations of patients, he provided excellent care, while employing family members to serve by his side. His longevity was surpassed only by his generosity, often forgiving the debts of those in need.

He was proud of his Italian heritage and his Catholic faith, as a Fourth Degree Knight of Columbus. He loved Frank Sinatra, playing craps in Las Vegas, and a good glass of red. Often with a story to tell, and never shy about giving advice to anyone he thought needed it, he always made time to call and check on the family he held so dear. Today, our thoughts are with them: his wife, Terry, of 11 years, his daughters KrisAnn and Lisa, his sons Richard and David, and his 11 grandchildren and 3 great-grandchildren.

Mr. Speaker, last week, "the summer wind came blowing in from across the sea" and took Dr. Greco home. May flights of angels lead him on his way.

#### PERSONAL EXPLANATION

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 2017

Mr. PERLMUTTER. Mr. Speaker, on January 9, 2017 I was not present to vote on H.R. 315, the "Improving Access to Maternity Care Act" and H.R. 304, the "Protecting Patient Access to Emergency Medications."

Had I been present for roll call No. 24, I would have voted "YEA." Had I been present for roll call No. 25, I would have voted "YEA."

#### PERSONAL EXPLANATION

### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 2017

Ms. SCHAKOWSKY. Mr. Speaker, I missed Roll Call vote numbers 26 through 31 because

I was attending the President's farewell address. Had I been present, I would have voted as follows: 26, H. Res. 33, Previous Question, No; 27, H. Res. 33, Agreeing to the Resolution, No; 28, Journal, Approving the Journal, No; 29, H.R. 79, Velázquez of New York Amendment No. 1, Yes; 30, H.R. 79, Clay of Missouri Amendment No. 2, Yes; 31, H.R. 79, Passage, No.

#### PERSONAL EXPLANATION

### HON. JOHN H. RUTHERFORD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 2017

Mr. RUTHERFORD. Mr. Speaker, I was not present for House roll call vote No. 34 on H.R. 39, the Tested Ability to Leverage Exceptional National Talent Act. Had I been present, I would have voted 'yes'.

#### TROOP 1631 RECOGNIZES SIX NEW EAGLE SCOUTS

### HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 2017

Mr. OLSON. Mr. Speaker, I rise today to congratulate six new Eagle Scouts of Troop 1631 in Sugar Land, TX.

Eagle Scout is the highest rank among Boy Scouts, requiring them to develop leadership, service and outdoor skills. The new Eagle Scouts are Mitchell Nguyen, Zack Dagnall, Tejas Murali, Spencer Reitz, Danny Penczak and Kody Ngo. To achieve the Eagle Scout rank, these Scouts have collectively hiked 571 miles, volunteered 194 hours, camped 361 nights, earned 194 merit badges, and have completed many leadership activities. Troop 1631, sponsored by the Optimist Club, has helped over 150 Scouts become Eagles over its 35 years.

On behalf of the Twenty-Second Congressional District of Texas, congratulations again to Mitchell, Zack, Tejas, Spencer, Danny and Kody. We are proud of them and their accomplishments and look forward to their future successes.

#### PERSONAL EXPLANATION

### HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 2017

Ms. JACKSON LEE. Mr. Speaker, on Tuesday, January 10, 2017, I traveled to Chicago at the invitation of the President of the United States to attend his Farewell Address to the Nation. Consequently, I was not present for Roll Call Votes 29 through 31. Had I been present, I would have voted as follows:

On Roll Call 29, I would have voted AYE. (Velázquez Amendment to H.R. 79, Helping Angels Lead Our Startups Act ("HALOS Act"))

On Roll Call 30, I would have voted AYE. (Clay/Waters Amendment to H.R. 79, Helping Angels Lead Our Startups Act ("HALOS Act"))

On Roll Call 31, I would have voted AYE. (Final Passage of H.R. 79, Helping Angels Lead Our Startups Act ("HALOS Act"))

#### PERSONAL EXPLANATION

### HON. ERIC SWALWELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 2017

Mr. SWALWELL of California. Mr. Speaker, regarding the question considered Tuesday 10, 2017, on passage of H.R. 79, the Helping Angels Lead Our Startups Act or HALOs Act (Roll Call Number 31), I am recorded as voting "no." I intended to vote "yes."

#### EFFINGHAM CHAMBER OF COMMERCE

### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 2017

Mr. SHIMKUS. Mr. Speaker, I rise to acknowledge the Effingham County Chamber of Commerce upon celebrating 100 years of service. This is a remarkable achievement for the chamber, and reflects the success and prosperity that the chamber has contributed to Effingham County.

The Effingham County Chamber of Commerce has backed several impressive developments over the course of its 100-year tenure. In its early years, the chamber funded a study of the development of Lake Sara. This has led to it becoming an attractive venue for fishing and a wonderful source of employment and revenue for the Lake Sara area. In addition, the chamber has played a key role in the development of several community initiatives in Effingham County, including the Effingham Regional Academy, Effingham County Vision 2020, and Effingham County 911. The successes of the chamber over the past century were recognized when the chamber recently won the Illinois Chamber of the Year Award.

I offer my deepest admiration and gratitude to the Effingham County Chamber of Commerce in its centennial year for providing great service to my constituents and to helping the economy of our district grow and flourish. I hope that the next century of service from the chamber is just as successful.

#### PERSONAL EXPLANATION

### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 2017

Ms. LEE. Mr. Speaker, if I were present I would have voted YES on roll call number 29 to Velázquez Amendment No. 1.

If I were present I would have voted YES on roll call number 30 to Clay Amendment No. 2.

If I were present I would have voted NO on roll call number 31 to H.R. 79.

#### IN RECOGNITION OF CHRISTOPHER U. BROWNE

### HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 2017

Mrs. COMSTOCK. Mr. Speaker, I rise to acknowledge Christopher U. Browne who will be

departing from his position as Vice President and Airport Manager of Washington Dulles International Airport this month after a 29-year career. Mr. Browne has made tremendous contributions for the traveling public and the economic vitality of the National Capital Region and maintains the unique distinction of having served as Airport Manager for both Reagan National and Dulles International airports.

Mr. Browne's passion for aviation began long before his work at the Metropolitan Washington Airports Authority (MWAA). Shortly after graduating from Dartmouth College in 1980, he attended the Navy's "Top Gun" fighter weapon school. As a Naval Flight Officer, he logged more than 1,400 hours and had 300 carrier landings in the F-14 Tomcat and also received the Navy's Commendation Medal for excellent performance.

After his time in the Navy, Mr. Browne started his professional career with the MWAA as a Manager of Operations at Reagan National Airport. During his tenure at Reagan, he had an integral role in the construction of Terminals B and C in 1997, in handling and planning for Y2K, and in implementing new security procedures after September 11, 2001—which allowed the airport to reopen just three weeks after the devastating attack.

After 7 years at Reagan National, Mr. Browne became the Airport Manager and Vice President of Washington Dulles International where he oversaw a staff of over 500 employees and was responsible for an aviation revenue stream exceeding \$400 million.

In his next endeavor, Mr. Browne will take on new responsibilities as Deputy Director of the Smithsonian Institution's National Air and Space Museum. He will remain connected to aviation through the Air and Space Museum, which includes the Udvar-Hazy facility on the Dulles campus.

At this moment, Mr. Speaker, I ask that my colleagues join me in extending our sincerest thanks to Mr. Browne for his service to our nation and all the work he has done for the MWAA and the airports in the National Capital Region.

#### ALEXIS CHAMPAGNE EARNS GIRL SCOUT GOLD AWARD

#### HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 2017

Mr. OLSON. Mr. Speaker, I rise today to congratulate Alexis Champagne of Katy, TX, for earning her Girl Scout Gold Award.

The Gold Award is the highest achievement a Girl Scout can earn. To earn this distinguished award, Alexis had to spend at least 80 hours developing and executing a project that would benefit the community and have a long-term impact on girls as well. Her Gold award project was the launch of the Bob Cat Book Nook book sharing program at Garland McMeans Jr High School in Cinco Ranch, TX. Alexis hosted a book drive for two months, and she used donations to stock the bookshelves of the Junior High School. Students can borrow and return books for free or replace them with other books brought from home. Alexis said the goal of the book nook is to help increase reading and lead to higher

test scores. Her project has impacted over 1,000 people.

On behalf of the Twenty-Second Congressional District of Texas, congratulations again to Alexis Champagne for earning her Gold Scout Gold Award. We are confident she will have continued success in her future endeavors. We are very proud.

#### PERSONAL EXPLANATION

#### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 2017

Mr. PERLMUTTER. Mr. Speaker, on January 10, 2017, I was not present to vote on H.R. 79, the "Helping Angels Lead Our Startups Act."

Had I been present for rollcall No. 31, I would have voted "YEA."

#### PERSONAL EXPLANATION

#### HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 2017

Mr. CROWLEY. Mr. Speaker, on January 10, 2017 I was absent for recorded vote No. 26.

Had I been present, I would have voted "No" on Roll Call No. 26.

#### PERSONAL EXPLANATION

#### HON. CHRIS COLLINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 2017

Mr. COLLINS of New York. Mr. Speaker, I was absent from votes January 4 and January 5, 2017. Had I been present, I would have voted: NAY on Roll Call No. 7; YEA on Roll Call No. 8; YEA on Roll Call No. 9; YEA on Roll Call No. 10; YEA on Roll Call No. 11; YEA on Roll Call No. 12; NAY on Roll Call No. 13; NAY on Roll Call No. 14.

NAY on Roll Call No. 15; NAY on Roll Call No. 16; NAY on Roll Call No. 17; NAY on Roll Call No. 18; NAY on Roll Call No. 19; NAY on Roll Call No. 20; YEA on Roll Call No. 21; NAY on Roll Call No. 22; YEA on Roll Call No. 23.

IN HONOR OF CHARLOTTE MOTOR SPEEDWAY BEING NAMED "OUTSTANDING FACILITY OF THE YEAR"

#### HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 2017

Mr. HUDSON. Mr. Speaker, I rise today to recognize Charlotte Motor Speedway for being named the Race Track Business Conference's "Outstanding Facility of the Year." I am proud to represent Charlotte Motor Speedway in Congress, and I want to congratulate Marcus

Smith and his entire team for making this premiere track such an incredible asset for our community.

Built in 1959, Charlotte Motor Speedway has become one of the crown jewels of the racing community. Each year, the speedway plays host to three premier NASCAR events—the NASCAR Sprint All-Star Race, the Coca-Cola 600, and the Bank of America 500—as well as more than three dozen other events for fans of all ages. The "fans first" mentality that has been embodied by the team since their earliest days has allowed them to create an atmosphere that is unrivaled in the motorsports world.

While the 1.5 mile long superspeedway may be the largest attraction, the entire Charlotte Motor Speedway complex expands nearly 2,000 acres and features a multitude of racing options including a 2.25 mile road course and the zMAX Dragway. The variety of racing options and top notch accommodations make any trip to the speedway a special occasion. It is no wonder the track continues to receive high praise from competitors and fans alike year after year. The efforts of all of those at the speedway have made it a truly special place both in motorsports and our local community. There is no doubt in my mind that Charlotte Motor Speedway will continue to provide a unique experience for everyone that visits, and it is my hope its leadership team will continue the innovative approach that has brought so much success to our community.

Mr. Speaker, please join me today in congratulating Charlotte Motor Speedway on earning this impressive distinction and well-deserved honor as the "Outstanding Facility of the Year."

#### RECOGNITION OF PROJECT VIDA

#### HON. WILL HURD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 2017

Mr. HURD. Mr. Speaker, I rise today in recognition of the 25 year anniversary of Project Vida in El Paso, Texas.

Project Vida was founded in 1991 with the support of residents of El Paso's Chamizal neighborhood and the Presbyterian Church. The institution's first goal was to support the community's self-determined needs to help improve lives. Over the years, Project Vida has expanded its services to provide dental and behavioral health care; early childhood education and child care; affordable housing as well as gang and homelessness prevention.

The contributions of Project Vida have been invaluable to the residents of El Paso's Chamizal neighborhood over the past 25 years. There is no question that the program will continue to set the precedent for community care. I am proud to represent such a dedicated program and to congratulate its dedicated staff and supporters on 25 years of service to others.

# RECOGNIZING PAUL BOOTH ON A LIFETIME OF PROGRESSIVE ACHIEVEMENT

**HON. JANICE D. SCHAKOWSKY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 2017

Ms. SCHAKOWSKY. Mr. Speaker, today I rise to recognize my friend Paul Booth for his lifetime of contributions to the progressive movement as an activist, organizer, mentor and leader. Throughout a remarkable career spanning more than half a century, his commitment to giving voice to the voiceless has been tenacious and unflinching.

Born in 1943, Paul was raised in Washington, D.C. where he was imbued by his parents—a psychiatric social worker and a Social Security architect in the Roosevelt administration—with a public service ethic. While attending Swarthmore College, Paul also became an early leader, and eventually National Secretary, of Students for a Democratic Society, one of the most influential youth activism organizations in the nation's history. He was instrumental in crafting the Port Huron Statement, the clarion call of the student movement. In 1965, he organized the first march on Washington protesting the Vietnam War and the first sit-in at the Chase Manhattan Bank, bringing to light the bank's affiliation with the pro-apartheid regime in South Africa.

As a young man, Paul brought his dogged activism to the labor movement, serving as a researcher at the Adlai Stevenson Institute and, beginning in 1966, as Research Director for the United Packinghouse Workers of America. Through Citizens Action Program, a major progressive organizing force in Chicago where I first got to know him, Paul co-chaired the first Metropolitan Alinsky Organization.

It was in 1974 that Paul began his more than 40-year association with the American Federation of State, County and Municipal Employees (AFSCME). His innumerable contributions over the years—his strong leadership, organizing skills and strategic acumen—have made AFSCME a union powerhouse and fundamentally improved the lives of millions of working people.

Paul helped organize and found AFSCME Council 31 in Illinois. As its Assistant Director, Paul's many accomplishments included securing the first union contract for 40,000 state workers and 7,000 city of Chicago employees. He also negotiated historic pay-equity provisions for city workers. And as an ally of Mayor Harold Washington, Paul helped defeat the old patronage machine and build a diverse, multi-racial union.

In 1988, Paul brought his experience and expertise to AFSCME headquarters in Washington. There, as Director of Field Services, he laid the groundwork for the formation of AFSCME—United Nurses of America and AFSCME—Corrections United. As Assistant to President Gerald McEntee and Executive Assistant to President Lee Saunders, Paul helped shape the strategic goals of the union, as well as the labor movement as a whole. As he retires from AFSCME effective February 28, he leaves behind a rich legacy and a lasting record of achievement.

Paul met his partner in life and work, Heather, 50 years ago at a University of Chicago anti-war sit-in that she helped organize. Al-

ways ardent in his pursuit of a goal, he proposed to her three days later. Together, they've channeled their shared interests into The Midwest Academy, a training institute committed to advancing the struggle for social, economic and racial justice. Paul continues to mentor the next generation of activists and fight for workers' rights through his leadership in numerous projects and organizations, including Jobs with Justice and Restaurant Opportunities Centers United.

Paul has passed along his passion for social justice to his sons, Gene and Dan. They, along with his daughters-in-law and five grandchildren, are a source of unending happiness and pride. For Paul, I know that more time with all of them will be the best part of retirement.

On a personal note, I want to express my gratitude to Paul for being an inspiration, teacher and, above all, a dear friend to me over the last many decades.

For his devotion to family, progressive leadership and ceaseless advocacy for the dignity of all, I'm pleased to recognize Paul Booth and wish him the very best in life's next chapter.

## ANALYSIS OF H.R. 5 FROM THE 112TH CONGRESS

**HON. BOB GOODLATTE**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 2017

Mr. GOODLATTE. Mr. Speaker, I include in the RECORD an analysis of a previous version of H.R. 5 from the 112th Congress:

NOVEMBER 2, 2011.

Re H.R. 3010, the Regulatory Accountability Act of 2011

HON. LAMAR SMITH, *Chairman*,  
HON. JOHN CONYERS, JR., *Ranking Member*,  
Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN AND RANKING MEMBER CONYERS: The undersigned practitioners and scholars in the field of administrative law, and former regulatory officials in the White House, OMB and federal agencies, have reviewed the provisions of H.R. 3010, the Regulatory Accountability Act of 2011. H.R. 3010 would reform the Administrative Procedure Act's rulemaking provisions to enhance the quality of federal regulation, enhance democratic accountability and oversight for administrative policymaking, and improve policy outcomes for the American people. We strongly support the Committee's effort to enhance the analysis, justification, transparency of, and participation in, federal rulemaking, and we respectfully request that the Committee include this letter in the record.

In its current form, the Administrative Procedure Act (APA) does not adequately regulate the federal rulemaking process. It does not obligate agencies to rigorously define and characterize the need for regulation. It does not require agencies to identify the costs of regulations—including both compliance costs and impacts imposed on the economy and general welfare. It does not require agencies to carefully identify and assess the benefits to be achieved by new regulations, and does not compel agencies to choose the least burdensome, lowest-cost regulation that would achieve the statutory objectives. In short, the APA does not necessarily ensure that agencies justify their regulations in accordance with the highest standards the public deserves. H.R. 3010 would correct this.

H.R. 3010's critics argue that the bill would impose new burdens on agencies, by interposing additional analytic hurdles before agencies could adopt new regulations. First, it is important to understand that the bill's regulatory standards, and its analytic and justification requirements, are not fundamentally new—they have been previously developed and applied in Executive Orders issued by Presidents Reagan, Clinton and Obama. The bill would effectively codify existing principles and standards from these Executive Orders in law. Second, while agencies would surely take the codified legal standards and requirements very seriously, and thus experience somewhat greater compliance burdens, that is not necessarily unreasonable or unwarranted. We believe the American public would view such additional safeguards as appropriate.

To be clear, we do not oppose environmental, health, safety or economic regulation. Nor do we believe that only a regulation's costs should be carefully tabulated and weighed. We agree that the benefits of many well-designed regulations can obviously be highly valuable to society, and we recognize that sound regulations can certainly reflect benefits that include intangible, non-quantifiable values (such as environmental, moral, ethical, aesthetic, social, human dignity, stewardship and other non-pecuniary or practical factors).

Taken together, we believe that all such costs and all such benefits must be rigorously analyzed, assessed, justified and scrutinized before significant new rules are imposed on the public, the economy, affected parties and regulated entities. Quite simply, that is "accountability."

The heads of regulatory agencies exercise extensive delegated policymaking authority, but are not directly accountable to the public through the democratic process. Accordingly, it is entirely reasonable, appropriate and, indeed, essential, for Congress to (i) specify in law more stringent criteria for rulemaking, (ii) facilitate substantial Presidential oversight of agency regulations (including those promulgated by "independent" agencies), (iii) enable more robust public participation in the rulemaking process, (iv) require regulations to be based on more reliable data and other relevant inputs, and (v) provide for more effective judicial scrutiny of the final regulations.

Of course, Congress often delegates its policymaking power to agencies, and it is incontrovertible that agencies' rulemaking can often be as highly consequential and important to the public as the congressionally enacted laws themselves. But for that very reason, regulation must not be undertaken without very careful consideration and observation of the most stringent procedures and analysis. The fact that the bill's requirements would embody existing regulatory review duties and obligations (based on numerous Executive Orders) in the APA itself is not objectionable. Before regulatory agencies impose new burdens on the public and the economy, the agencies should spend the time and make the effort to make sure they get the balance right for the overall benefit of society.

Accordingly, we view the Regulatory Accountability Act as serving the public well by mandating in statutory text that new regulations be thoroughly and meaningfully justified. Indeed, to the extent feasible, we would recommend that Congress avail itself of the same cost-benefit analysis prior to enacting regulatory legislation so as to avoid imposing unjustified regulatory mandates that agencies cannot fully resolve in the rulemaking process.

As noted above, far from imposing partisan or ideologically divisive requirements, H.R.

3010 embodies and implements a long-standing, bipartisan consensus on the proper principles of regulatory review and reform: Presidents Reagan, George H.W. Bush, Clinton, George W. Bush and—most recently and emphatically—President Obama, have all issued or implemented Executive Orders calling for rigorous justification of the need for regulation, careful cost-benefit analysis before imposing new regulatory requirements, reliance on sound science, and selection of the least burdensome regulatory alternatives that meet the relevant statutory objectives.

H.R. 3010 would take those Executive Branch principles and codify them, thereby preserving in federal statutes the very values set forth in President Obama's recent Orders:

Our regulatory system must protect public health, welfare, safety, and our environment while promoting economic growth, innovation, competitiveness, and job creation.

It must be based on the best available science.

It must allow for public participation and an open exchange of ideas.

It must identify and use the best, most innovative, and least burdensome tools for achieving regulatory ends.

It must take into account benefits and costs, both quantitative and qualitative.

Each agency must, among other things:

(1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify);

(2) tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations;

(3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and

(5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

Regulations shall be adopted through a process that involves public participation.

Each agency, consistent with Executive Order 12866 and other applicable legal requirements, shall endeavor to provide the public with an opportunity to participate in the regulatory process.

Each agency shall also provide, for both proposed and final rules, timely online access to the rulemaking docket on regulations.gov, including relevant scientific and technical findings, in an open format that can be easily searched and downloaded.

Before issuing a notice of proposed rulemaking, each agency, where feasible and appropriate, shall seek the views of those who are likely to be affected, including those who are likely to benefit from and those who are potentially subject to such rulemaking.

Each agency shall identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public.

Each agency shall ensure the objectivity of any scientific and technological information and processes used to support the agency's regulatory actions.

Wise regulatory decisions depend on public participation and on careful analysis of the likely consequences of regulation.

Such decisions are informed and improved by allowing interested members of the public to have a meaningful opportunity to participate in rulemaking.

To the extent permitted by law, such decisions should be made only after consideration of their costs and benefits (both quantitative and qualitative).

Executive Order 13563 of January 18, 2011, "Improving Regulation and Regulatory Review," directed to executive agencies, was meant to produce a regulatory system that protects "public health, welfare, safety, and our environment while promoting economic growth, innovation, competitiveness, and job creation."

Independent regulatory agencies, no less than executive agencies, should promote that goal.

Executive Order 13563 set out general requirements directed to executive agencies concerning public participation, integration and innovation, flexible approaches, and science. To the extent permitted by law, independent regulatory agencies should comply with these provisions as well.

Indeed, the Regulatory Accountability Act would implement President Obama's recent call for "public participation and open exchange" before a rule is proposed. Specifically, H.R. 3010 would create an Advance Notice of Proposed Rulemaking stage for major rules (\$100M+). In this early notice, the agency would identify the problem it wishes to address through regulation and articulate the specific legal authority for doing so; disclose its preliminary views on the direction of the prospective regulation, and provide information concerning possible regulatory alternatives; and invite the public to submit written comments on these issues. While this adds a step in the regulatory process, it is one that allows interested parties a greater opportunity to help the agency reach a sound outcome.

The bill would also obligate agencies to rely on better scientific and technical data. While agencies must exercise their expert judgment, it is impossible to argue against the proposition that they should use the best data and other inputs available. Affected parties can invoke judicial and administrative remedies to ensure that agencies rely on scientific and technical evidence that meets the standards of the Information Quality Act. This is, of course, consistent with President Obama's call for regulating "based on the best available science." This is unassailable. If agencies cannot disclose and defend the data they rely on as being the best available, they cannot possibly be confident enough in their regulatory analysis to impose new requirements on the basis of the data at their disposal.

The Committee may also wish to consider the possible application, or adaptation, of the Supreme Court's decision in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, in the regulatory context. In *Daubert*, the Court empowered federal judges to reject irrelevant or unreliable scientific evidence, thus providing the judiciary a mandate to foster "good science" in the courtroom and to reject expert testimony not grounded in scientific methods and procedures. Some federal agencies have been criticized for lacking a commitment to sound science. Too often, federal courts have accorded great deference to uphold agency decisions that may have been based on faulty scientific evidence or unsupported assumptions and conclusions.

*Daubert* principles could be applied to the review of agency rulemaking under the APA because these principles are consistent with the APA requirement that agencies engage in reasoned decisionmaking, would assure better documentation of agencies' scientific decisions, and would enhance the rigor and

predictability of judicial review of agency action based on scientific evidence. This approach would be entirely congruent with the Regulatory Accountability Act's requirement that regulations be based on the best available science. Applying the *Daubert* principles in judicial review of agency action would allow courts to evaluate the scientific methods and procedures employed by agencies, but must not allow judges to substitute their own policy preferences or conclusions for those chosen by the agencies. The courts' review need not be heavy-handed; it can be both deferential and probing, ensuring that agencies formulate and comply with procedures tailored to producing the best results, while not dictating what those results must be in any given case.

Incorporating, or adapting, *Daubert* principles into administrative law would improve agency decisionmaking and enhance accountability. Agencies would be compelled to identify the most reliable and relevant scientific evidence for the issue at hand and disclose the default assumptions, policy choices, and factual uncertainties therein. Applying *Daubert* in the administrative context would refine judicial review of agency science, resulting in greater consistency and rigor.

We also believe that it is reasonable that H.R. 3010 would expose more agency pronouncements, such as agency guidance documents, to more rigorous standards. Specifically, the bill would adopt the good-guidance practices issued by OMB in 2007 (under then-Director, and now Senator, Portman). Such agency guidance would be clearly noted as "non-binding," and would not be entitled to substantial judicial deference.

The heart of the bill is to build cost-benefit analysis principles into each step of the rulemaking process—proposed rule, final rule, and judicial review. As noted earlier, these principles are drawn from Executive Orders issued by Presidents Reagan and Clinton and emphatically reaffirmed by President Obama. The bill would make those principles permanent, enforceable and applicable to independent agencies. Compliance with these codified requirements would be subject to judicial review.

Significantly, the bill would require agencies to adopt the "least costly alternative that will achieve the objectives of the statute authorizing the rule." It permits agencies to adopt a more costly approach only if the agency demonstrates that the added costs justify the benefits and that the more costly rule is needed to address interests of public health, safety, and welfare that are clearly within the scope of the statute. This is consistent with the White House's recent instruction to federal agencies to "minimize regulatory costs" and the President's directive to "tailor regulations to impose the least burden on society." (Exec. Order 13,563)

For high impact, billion-dollar rules, additional procedures would apply—which seems entirely reasonable given the resulting consequences for the public and the economy. Most importantly, affected parties will have access to a fair and open forum to question the accuracy of the views, evidence, and assumptions underlying the agency's proposal. The hearing would focus on (1) whether there is a lower-cost alternative that would achieve the policy goals set out by Congress (or a need that justifies an higher cost than otherwise necessary); (2) whether the agency's evidence is backed by sound scientific, technical and economic data, consistent with the Information Quality Act; (3) any issues that the agency believes would advance the process. Parties affected by major rules (\$100M+) would also have access to hearings, unless the agency concludes that the hearing would not advance the process or would unreasonably delay the rulemaking.

Following the hearing prescribed in the bill, high-impact rules would be reviewed under a slightly higher standard in court—so-called “substantial evidence” review. While this standard is still highly deferential to the agency’s judgments, it allows a court reviewing major rules to ensure that an agency’s justifications are supported by “evidence that a reasonable mind could accept as adequate to support a conclusion based on the record as a whole.”

We understand that these additional review and analysis requirements are not perfunctory and may not be easy for agencies to accomplish. However, we believe that because of the extensive delegation of essentially legislative authority from Congress and policymaking discretion that agencies exercise, and the substantial deference that agencies enjoy from the courts, the public deserves more analysis and justification before agencies acts. Moreover, we believe that the public also expects the President to influence and control rulemaking by all federal agencies, and thus we support greater centralized White House review of agency regulations—including independent agencies—on behalf of the President by the Office of Information and Regulatory Affairs at OMB (in the Executive Office of the President). We believe the bill, which clearly applies its regulatory standards to independent agencies, should also make clear that the President is responsible for, and entitled to review, the rules issued by independent agencies such as the SEC, CFTC, FCC, FTC, CPSC, CFPB, etc.

The need for such Presidential authority is manifest. For example, in a recent case before the U.S. Court of Appeals for the D.C. Circuit, *In re Aiken County*, the presidentially controlled Department of Energy and the independent Nuclear Regulatory Commission did not actually agree on the merits of how to handle nuclear waste at Yucca Mountain. This prompted Circuit Judge Brett Kavanaugh to explain why the lack of presidential authority and control is constitutionally and politically dubious. Quoting both Alexander Hamilton in the *Federalist Papers* and the Supreme Court in *PCAOB*, he wrote that “the issue created by Humphrey’s Executor is that the President’s decision on the Yucca Mountain issue is not the final word in the Executive Branch. In other cases, the issue created by Humphrey’s Executor is that it allows Presidents to avoid making important decisions or to avoid taking responsibility for decisions made by independent agencies. When independent agencies make such important decisions, no elected official can be held accountable and the people ‘cannot determine on whom the blame or the punishment of a pernicious measure, or series of pernicious measures ought really to fall.’”

President Obama has acknowledged the importance of Presidential review of independent agency rulemaking in recent, July 11, Executive Order. (Executive Order, 13,579) His Order requests (but does not command) that the independent agencies to submit the regulations they issue to the same principles applicable throughout the parts of the Executive Branch for which he is directly accountable. Specifically, independent agencies are now asked to scrutinize existing and future regulations in accordance with cost-benefit analysis. He also asks them to assure that regulatory policy is cost-effective and

protective of innovation and job creation. Perhaps most importantly, independent agencies should also make sure that there is a real problem that needs to be solved before regulating, and then choose the least burdensome regulatory alternative that prevents or abates that harm. The bill currently before Congress should thus make clear—not only that independent agencies are subject to the salutary standards of cost-benefit analysis and rigorous policy justification—but also, that the President has the power and responsibility to review and control all such Executive Branch rulemaking.

While we endorse the bill’s proposed codification of regulatory standards, analytic criteria, and accountability principles, we would also recommend that Congress consider incorporating the prospectively duplicative provisions of the Regulatory Flexibility Act (with regard to cost-benefit analysis for small business) and the Unfunded Mandates Reform Act (with regard to cost-benefit analysis and minimization of burdens on states, tribes and private sector; though UMRA does not currently apply to independent agencies). Moreover, as previously noted, we also believe the bill should specifically authorize the President to oversee rulemaking by independent agencies. The President’s responsibility to oversee independent regulatory agencies, like the Consumer Financial Protection Board, for example, would ensure that the regulations adopted by such agencies are in the overall best interest of the American people.

Thank you for considering our views.

Respectfully submitted,

Alan Charles Raul, Former Vice Chairman, White House Privacy and Civil Liberties Oversight Board, Former General Counsel, U.S. Department of Agriculture, Former General Counsel, Office of Management and Budget, Former Associate Counsel to the President.

C. Boyden Gray, Boyden Gray & Associates, Former Ambassador to the European Union, Former Counsel to the President, Former Counsel to the Vice President.

James C. Miller III, Former Director of the Office of Management and Budget, Former Chairman of the Federal Trade Commission, Former Administrator of the Office of Information and Regulatory Affairs, OMB.

David L. Bernhardt, Former Solicitor, Department of the Interior.

Adam J. White, Boyden Gray & Associates. Eileen J. O’Connor, Former Assistant Attorney General, Tax Division, U.S. Department of Justice.

Daren Bakst, Director of Legal and Regulatory Studies, John Locke Foundation.

Jeffrey R. Holmstead, Former Assistant Administrator of the Environmental Protection Agency for Air and Radiation, Former Associate Counsel to the President.

Jeffrey Bossert Clark, Former Deputy Assistant Attorney General, Environment & Natural Resources Division, United States Department of Justice.

David R. Hill, Former General Counsel, U.S. Department of Energy.

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all

meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 12, 2017 may be found in the Daily Digest of today’s RECORD.

#### MEETINGS SCHEDULED

##### JANUARY 17

10 a.m.

Committee on Energy and Natural Resources

To hold hearings to examine the nomination of Ryan Zinke, of Montana, to be Secretary of the Interior.

SD-366

5 p.m.

Committee on Health, Education, Labor, and Pensions

To hold hearings to examine the nomination of Betsy DeVos, of Michigan, to be Secretary of Education.

SD-430

##### JANUARY 18

10 a.m.

Committee on Commerce, Science, and Transportation

To hold hearings to examine the nomination of Wilbur L. Ross, Jr., to be Secretary of Commerce.

SD-G50

Committee on Environment and Public Works

To hold hearings to examine the nomination of Scott Pruitt, of Oklahoma, to be Administrator of the Environmental Protection Agency.

SD-406

Committee on Foreign Relations

To hold hearings to examine the nomination of Nikki R. Haley, of South Carolina, to be the Representative of the United States of America to the United Nations, with the rank and status of Ambassador, and the Representative of the United States of America in the Security Council of the United Nations, and to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations during her tenure of service as Representative to the United Nations.

SD-419

Committee on Health, Education, Labor, and Pensions

To hold hearings to examine the nomination of Tom Price, of Georgia, to be Secretary of Health and Human Services.

SD-430



# Daily Digest

## HIGHLIGHTS

Senate agreed to S. Con. Res. 3, Budget Resolution.

## Senate

### Chamber Action

#### *Routine Proceedings, pages S223–S295*

**Measures Introduced:** Thirteen bills were introduced, as follows: S. 94–106. **Page S276**

#### **Measures Passed:**

**Budget Resolution:** By 51 yeas to 48 nays (Vote No. 26), Senate agreed to S. Con. Res. 3, setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026, after taking action on the following amendments proposed thereto: **Pages S224–72**

#### **Rejected:**

By 46 yeas to 52 nays (Vote No. 20), Klobuchar/Sanders Amendment No. 178, to establish a deficit-neutral reserve fund relating to lowering prescription drug prices for Americans by importing drugs from Canada. **Pages S261–62**

#### **Withdrawn:**

Corker Amendment No. 106, to set an appropriate date for the reporting of a reconciliation bill in the Senate. **Pages S257–58, S263**

Klobuchar/Sanders Amendment No. 172, to establish a deficit-neutral reserve fund relating to lowering prescription drug prices for Americans by importing drugs from Canada and other countries. **Pages S249–51, S263**

Sanders (for Manchin) Amendment No. 63, to create a point of order against legislation that would reduce access to substance use disorder treatment and worsen the opioid abuse epidemic. **Pages S249–51, S263**

Sanders (for Stabenow) Amendment No. 94, to create a point of order against legislation that would reduce or eliminate access to mental health care. **Pages S249–51, S263**

Sanders (for Cantwell) Amendment No. 143, to create a point of order against any changes to the Medicare program, the Medicaid program, or the number of Americans enrolled in private health in-

surance coverage, in a manner that would result in reduced revenue to hospitals, health care centers, and physicians and other health care providers, thereby reducing their investments in health care delivery system reforms that improve patient health outcomes and reduce costs. **Pages S253–54, S263**

Sanders (for Coons) Amendment No. 126, to create a point of order against legislation that would permit lifetime limits on health care coverage. **Pages S253–54, S263**

During consideration of this measure today, Senate also took the following action:

By 47 yeas to 51 nays (Vote No. 7), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to waive section 305(b)(2) of the Congressional Budget Act of 1974 with respect to Sanders (for Nelson) Amendment No. 13, to create a point of order against legislation that would repeal health reforms that closed the prescription drug coverage gap under Medicare. Subsequently, the point of order that the amendment was in violation of Section 305(b)(2) of the Congressional Budget Act of 1974 was sustained, and thus the amendment fell. **Pages S249–51, S251–52**

By 48 yeas to 50 nays (Vote No. 8), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to waive section 305(b)(2) of the Congressional Budget Act of 1974 with respect to Sanders (for King) Amendment No. 60, to create a point of order against legislation that would reduce health insurance access and affordability for individuals based on their occupation. Subsequently, the point of order that the amendment was in violation of Section 305(b)(2) of the Congressional Budget Act of 1974 was sustained, and thus the amendment fell. **Pages S249–51, S252**

By 51 yeas to 47 nays (Vote No. 9), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to waive all applicable sections of the Congressional

Budget Act of 1974, and applicable budget resolutions, with respect to Enzi (for Barrasso) Amendment No. 173, to establish a deficit-neutral reserve fund relating to rural health and repealing and replacing the Affordable Care Act. Subsequently, the point of order that the amendment was in violation of Section 305(b)(2) of the Congressional Budget Act of 1974 was sustained, and thus the amendment fell.

**Pages S251, S252–53**

By 51 yeas to 47 nays (Vote No. 10), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to waive section 305(b)(2) of the Congressional Budget Act of 1974 with respect to Sanders (for Manchin) Amendment No. 64, to create a point of order against legislation that would harm rural hospitals and health care providers. Subsequently, the point of order that the amendment was in violation of Section 305(b)(2) of the Congressional Budget Act of 1974 was sustained, and thus the amendment fell.

**Pages S249–51, S254**

By 51 yeas to 47 nays (Vote No. 11), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to waive all applicable sections of the Congressional Budget Act of 1974, and applicable budget resolutions, with respect to Enzi (for Heller) Amendment No. 167, to establish a deficit-neutral reserve fund relating to strengthening Social Security and repealing the Affordable Care Act, and replacing it with patient-centered, step-by-step health reforms that provide access to quality, affordable private health care coverage for all Americans and their families by increasing competition, State flexibility and individual choice, and safeguarding consumer protections that Americans support. Subsequently, the point of order that the amendment was in violation of Section 305(b)(2) of the Congressional Budget Act of 1974 was sustained, and thus the amendment fell.

**Page S254**

By 48 yeas to 50 nays (Vote No. 12), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to waive section 305(b)(2) of the Congressional Budget Act of 1974 with respect to Sanders (for Baldwin) Amendment No. 81, to create a point of order against legislation relating to the health of young people. Subsequently, the point of order that the amendment was in violation of Section 305(b)(2) of the Congressional Budget Act of 1974 was sustained, and thus the amendment fell.

**Pages S249–51, S255**

By 50 yeas to 48 nays (Vote No. 13), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to waive all applicable sections of the Congressional

Budget Act of 1974 with respect to Enzi (for Flake) Amendment No. 176, to establish a deficit-neutral reserve fund relating to enhancing health care and housing for veterans and their dependents by repealing the Affordable Care Act, facilitating medical facility leases, and prohibiting the Secretary of Veterans Affairs from employing individuals who have been convicted of a felony and medical personnel who have ever had their medical licenses or credentials revoked or suspended. Subsequently, the point of order that the amendment was in violation of Section 305(b)(2) of the Congressional Budget Act of 1974 was sustained, and thus the amendment fell.

**Pages S254, S256**

By 48 yeas to 50 nays (Vote No. 14), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to waive section 305(b)(2) of the Congressional Budget Act of 1974 with respect to Sanders (for Tester) Amendment No. 104, to create a point of order against legislation that would limit veterans' ability to choose VA health care. Subsequently, the point of order that the amendment was in violation of Section 305(b)(2) of the Congressional Budget Act of 1974 was sustained, and thus the amendment fell.

**Pages S249–51, S256–57**

By 49 yeas to 49 nays (Vote No. 15), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to waive section 305(b)(2) of the Congressional Budget Act of 1974 with respect to Sanders (for Casey) Amendment No. 61, to create a point of order against legislation relating to people with disabilities and chronic conditions. Subsequently, the point of order that the amendment was in violation of Section 305(b)(2) of the Congressional Budget Act of 1974 was sustained, and thus the amendment fell.

**Pages S249–51, S257**

By 47 yeas to 51 nays (Vote No. 16), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to waive all applicable sections of the Congressional Budget Act of 1974, and applicable budget resolutions, with respect to Enzi (for Barrasso) Amendment No. 181, to establish a deficit-neutral reserve fund relating to strengthening Social Security and repealing the Affordable Care Act and replacing it with patient-centered, step-by-step health reforms that provide access to quality, affordable private health care coverage for all Americans, including people with disabilities and chronic conditions, and their families, by increasing competition, State flexibility, and individual choice, and safeguarding consumer protections, such as a ban on lifetime limits, that Americans support. Subsequently, the point of order that the amendment was in violation of Section

305(b)(2) of the Congressional Budget Act of 1974 was sustained, and thus the amendment fell.

**Pages S258–59**

By 51 yeas to 47 nays (Vote No. 17), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to waive all applicable sections of the Congressional Budget Act of 1974, with respect to Enzi (for Hatch) Amendment No. 179, to establish a deficit-neutral reserve fund relating to reforming housing and Medicaid without prioritizing able-bodied adults over the disabled or raiding Medicare Trust Funds to pay for new government programs. Subsequently, the point of order that the amendment was in violation of Section 305(b)(2) of the Congressional Budget Act of 1974 was sustained, and thus the amendment fell.

**Pages S258–60**

By 48 yeas to 50 nays (Vote No. 18), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to waive all applicable sections of the Congressional Budget Act of 1974, with respect to Sanders (for Menendez) Amendment No. 83, to create a point of order against legislation that would eliminate or reduce Federal funding to States under the Medicaid expansion. Subsequently, the point of order that the amendment was in violation of Section 305(b)(2) of the Congressional Budget Act of 1974 was sustained, and thus the amendment fell.

**Pages S249–51, S260**

By 49 yeas to 49 nays (Vote No. 19), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to waive all applicable sections of the Congressional Budget Act of 1974, and applicable budget resolutions, with respect to Alexander Amendment No. 174, to strengthen Social Security and Medicare without raiding them to pay for new government programs, to reform Medicaid without prioritizing able-bodied adults over the disabled, and to ensure that any importation does not increase risk to public health according to the Secretary of Health and Human Services. Subsequently, the point of order that the amendment was in violation of Section 305(b)(2) of the Congressional Budget Act of 1974 was sustained, and thus the amendment fell.

**Pages S260–61**

By 47 yeas to 51 nays (Vote No. 21), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to waive section 305(b)(2) of the Congressional Budget Act of 1974 with respect to Wyden Amendment No. 188, to create a point of order against legislation that does not lower drug prices. Subsequently, the point of order that the amendment was in violation of Section 305(b)(2) of the Congressional

Budget Act of 1974 was sustained, and thus the amendment fell.

**Page S262**

By 52 yeas to 46 nays (Vote No. 22), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to waive all applicable sections of the Congressional Budget Act of 1974, and applicable budget resolutions, with respect to Fischer Amendment No. 184, to establish a deficit-neutral reserve fund relating to strengthening Social Security or health care for women, which may include strengthening community health centers, and repealing and replacing the Affordable Care Act. Subsequently, the point of order that the amendment was in violation of Section 305(b)(2) of the Congressional Budget Act of 1974 was sustained, and thus the amendment fell.

**Pages S263–64**

By 49 yeas to 49 nays (Vote No. 23), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to waive section 305(b)(2) of the Congressional Budget Act of 1974 with respect to Sanders (for Gillibrand) Amendment No. 82, to create a point of order against legislation relating to women's health. Subsequently, the point of order that the amendment was in violation of Section 305(b)(2) of the Congressional Budget Act of 1974 was sustained, and thus the amendment fell.

**Pages S249–51, S263–64**

By 51 yeas to 47 nays (Vote No. 24), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to waive all applicable sections of the Congressional Budget Act of 1974, with respect to Enzi (for Hatch) Amendment No. 180, to establish a deficit-neutral reserve fund relating to strengthening Social Security and repealing and replacing the Affordable Care Act with reforms that strengthen Medicaid and the Children's Health Insurance Program without prioritizing able-bodied adults over the disabled or children and lead to patient-centered, step-by-step health reforms that provide access to quality, affordable private health care coverage for all Americans and their families by increasing competition, State flexibility, and individual choice, and safeguarding consumer protections that Americans support. Subsequently, the point of order that the amendment was in violation of Section 305(b)(2) of the Congressional Budget Act of 1974 was sustained, and thus the amendment fell.

**Pages S263–65**

By 49 yeas to 49 nays (Vote No. 25), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to waive section 305(b)(2) of the Congressional Budget Act of 1974 with respect to Sanders (for Brown) Amendment No. 86, to create a point of order against legislation that would undermine the

historic coverage gains the United States has made in children's health, which have resulted in the lowest uninsured rate for children in the Nation's history. Subsequently, the point of order that the amendment was in violation of Section 305(b)(2) of the Congressional Budget Act of 1974 was sustained, and thus the amendment fell. **Pages S253–54, S265**

**Message from the President:** Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the 2016 National Drug Control Strategy; which was referred to the Committee on the Judiciary. (PM–1) **Pages S273–74**

**Messages from the House:** **Page S274**

**Measures Referred:** **Page S274**

**Executive Communications:** **Pages S274–76**

**Additional Cosponsors:** **Pages S276–80**

**Statements on Introduced Bills/Resolutions:**  
**Pages S280–81**

**Additional Statements:** **Page S273**

**Amendments Submitted:** **Pages S281–95**

**Authorities for Committees to Meet:** **Page S295**

**Privileges of the Floor:** **Page S295**

**Record Votes:** Twenty record votes were taken today. (Total—26)

**Pages S252–57, S259–62, S264–65, S268**

**Adjournment:** Senate convened at 12 noon on Wednesday, January 11, 2017 and adjourned at 1:36 a.m. on Thursday, January 12, 2017, until 12:30 p.m. on the same day. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S295.)

## Committee Meetings

(Committees not listed did not meet)

### NOMINATION

*Committee on Commerce, Science, and Transportation:* Committee concluded a hearing to examine the

nomination of Elaine L. Chao, to be Secretary of Transportation, after the nominee, who was introduced by Senators McConnell and Paul, testified and answered questions in her own behalf.

### NOMINATION

*Committee on Foreign Relations:* Committee concluded a hearing to examine the nomination of Rex Wayne Tillerson, of Texas, to be Secretary of State, after the nominee, who was introduced by Senators Cornyn and Cruz, and former Senator Sam Nunn, testified and answered questions in his own behalf.

### BUSINESS MEETING

*Committee on Foreign Relations:* Committee ordered favorably reported protocol to the North Atlantic Treaty of 1949 on the Accession of Montenegro (Treaty Doc. 114–12).

### NOMINATION

*Committee on the Judiciary:* Committee concluded a hearing to examine the nomination of Jeff Sessions, of Alabama, to be Attorney General, Department of Justice, after receiving testimony from Senator Booker; Representatives John Lewis and Richmond; Michael B. Mukasey, former Attorney General, and Larry Thompson, former Deputy Attorney General, both of the Department of Justice, Chuck Canterbury, Fraternal Order of Police, David Cole, American Civil Liberties Union, and William Smith, former Chief Counsel, Administrative Oversight and the Courts Subcommittee, Senate Judiciary Committee, all of Washington, D.C.; Peter Kirsanow, United States Commission on Civil Rights, Cleveland, Ohio; Amita Swadhin, Mirror Memoirs, Los Angeles, California; Jayann Sepich, DNA Saves, Carlsbad, New Mexico; Cornell William Brooks, National Association for the Advancement of Colored People, Baltimore, Maryland; Willie Huntley, former Assistant United States Attorney, Southern District of Alabama, Mobile; Jesse Seroyer, former United States Marshal, Middle District of Alabama, Montgomery; and Oscar Vazquez, Fort Worth, Texas.

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# House of Representatives

## Chamber Action

**Public Bills and Resolutions Introduced:** 30 public bills, H.R. 431–460; 1 private bill, H.R. 461; and 2 resolutions, H. Res. 44–45, were introduced.

**Pages H389–91**

**Additional Cosponsors:** **Page H392**

**Reports Filed:** There were no reports filed today.

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Fleischmann to act as Speaker pro tempore for today. **Page H303**

**Recess:** The House recessed at 11:29 a.m. and reconvened at 12 noon. **Page H312**

**Securities and Exchange Commission Regulatory Accountability Act and Commodity End-User Relief Act—Rule for consideration:** The House agreed to H. Res. 40, providing for consideration of the bill (H.R. 78) to improve the consideration by the Securities and Exchange Commission of the costs and benefits of its regulations and orders; and providing for consideration of the bill (H.R. 238) to reauthorize the Commodity Futures Trading Commission, to better protect futures customers, to provide end-users with market certainty, to make basic reforms to ensure transparency and accountability at the Commission, to help farmers, ranchers, and end-users manage risks, and to help keep consumer costs low, by a recorded vote of 233 ayes to 170 noes, Roll No. 33, after the previous question was ordered by a yeas-and-nays vote of 232 yeas to 168 nays, Roll No. 32. **Pages H316–22**

**Suspension—Proceedings Resumed:** The House agreed to suspend the rules and pass the following measure which was debated on Tuesday, January 10th:

*Tested Ability to Leverage Exceptional National Talent Act of 2017:* H.R. 39, to amend title 5, United States Code, to codify the Presidential Innovation Fellows Program, by a  $\frac{2}{3}$  yeas-and-nays vote of 386 yeas to 17 nays, Roll No. 34. **Pages H322–23**

**Regulatory Accountability Act of 2017:** The House passed H.R. 5, to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents, to clarify the nature of judicial review of agency interpretations, and to ensure complete analysis of potential impacts on small entities of rules, by a yeas-and-nays vote of 238 yeas to 183 nays, Roll No. 45. **Pages H323–72**

Rejected the Demings motion to recommit the bill to the Committee on the Judiciary with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 190 ayes to 233 noes, Roll No. 44. **Pages H370–71**

Agreed to:

Chaffetz amendment (No. 2 printed in part A of H. Rept. 115–2) that establishes a timeline by which the Office of Information and Regulatory Affairs must issue guidelines under title I of the bill; **Pages H347–48**

Chabot amendment (No. 3 printed in part A of H. Rept. 115–2) that requires an agency to include an economic assessment or a summary of it when an agency certifies that a proposed rule will not have a “significant economic impact on a substantial number of small entities” under the Regulatory Flexibility Act; this will ensure an agency’s decision to certify a rule and not conduct a full regulatory flexibility analysis is supported by data; **Pages H348–49**

Graves (LA) amendment (No. 6 printed in part A of H. Rept. 115–2) that provides agency account-

ability of major rules by requiring retrospective review and report; **Pages H352–54**

Young (IA) amendment (No. 7 printed in part A of H. Rept. 115–2) that allows for sufficient time (at least 90 days) for affected entities to take steps to comply with issued guidance; **Pages H354–55**

Posey amendment (No. 16 printed in part A of H. Rept. 115–2) that requires federal agencies to report on influential scientific information and associated peer reviews disseminated or to be disseminated in a rulemaking proceeding; **Pages H362–64**

Goodlatte amendment (No. 1 printed in part A of H. Rept. 115–2) that revises section 2 of title II of the bill to restrain unwarranted interpretation of ambiguous statutes to find implied delegations of legislative rulemaking authority, and of ambiguous statutes and regulations to expansively extend agency authority (by a recorded vote of 237 ayes to 185 noes, Roll No. 35); and **Pages H344–47, H364**

Peterson amendment (No. 5 printed in part A of H. Rept. 115–2) that prohibits agencies from impartially communicating with the public in order to generate support or opposition to a proposed rule (by a recorded vote of 260 ayes to 161 noes, Roll No. 36). **Pages H351–52, H364–65**

Rejected:

Velázquez amendment (No. 4 printed in part A of H. Rept. 115–2) that sought to strike Title III of the bill and replaces it with alternative language that reforms the Regulatory Flexibility Act to reduce the burden of regulations on small businesses; **Pages H349–51**

Castor (FL) amendment (No. 8 printed in part A of H. Rept. 115–2) that sought to ensure that any rule intended to protect public health and welfare is exempted from the requirements of this act (by a recorded vote of 189 ayes to 231 noes, Roll No. 37); **Pages H355–56, H365–66**

Cicilline amendment (No. 9 printed in part A of H. Rept. 115–2) that sought to provide for the prevention of the transmission of foodborne illness or to meet preventive-control requirements for food safety (by a recorded vote of 190 ayes to 232 noes, Roll No. 38); **Pages H356–57, H366**

Johnson (GA) amendment (No. 10 printed in part A of H. Rept. 115–2) that sought to exempt rules that significantly improve the employment, retention, and wages of workforce participants, especially those with significant barriers to employment, such as persons with disabilities or limited English proficiency (by a recorded vote of 188 ayes to 234 noes, Roll No. 39); **Pages H357–58, H366–67**

Ruiz amendment (No. 11 printed in part A of H. Rept. 115–2) that sought to exempt rules pertaining to the safety of children’s products or toys (by a recorded vote of 190 ayes to 233 noes, Roll No. 40); **Pages H358–59, H367–68**

Scott (VA) amendment (No. 12 printed in part A of H. Rept. 115–2) that sought to exempt from this bill a rule which pertains to workplace health and

safety and that is necessary to prevent or reduce the incidence of traumatic injury, cancer or irreversible lung disease at mining facilities which are subject to the Federal Mine Safety and Health Act of 1977 (30 USC 801, et seq.) or workplaces which are subject to the Occupational Safety and Health Act (29 USC 651 et seq.) (by a recorded vote of 195 ayes to 227 noes, Roll No. 41); **Pages H359–60, H368**

Tonko amendment (No. 13 printed in part A of H. Rept. 115–2) that sought to ensure that any rules made under the “Frank R. Lautenberg Chemical Safety for the 21st Century Act,” are exempted from this act (by a recorded vote of 188 ayes to 235 noes, Roll No. 42); and **Pages H360–61, H368–69**

Grijalva amendment (No. 14 printed in part A of H. Rept. 115–2) that sought to strike language that would require the Forest Service and the Bureau of Land Management to perform regulatory flexibility analyses for forest and land management plans (by a recorded vote of 185 ayes to 236 noes, Roll No. 43). **Pages H361–62, H369–70**

H. Res. 33, the rule providing for consideration of the bills (H.R. 5) and (H.R. 79) was agreed to yesterday, January 10th.

**Permanent Select Committee on Intelligence—Appointment:** The Chair announced that the Speaker’s appointment of members of the Permanent Select Committee on Intelligence on January 6, 2017, without objection, is made notwithstanding the requirement of clause 11(a)(4)(A) of rule X. **Page H372**

**Committee Elections:** The House agreed to H. Res. 45, electing Members to certain standing committees of the House of Representatives. **Page H372–73**

**Presidential Message:** Read a message from the President wherein he transmitted the 2016 National Drug Control Strategy—referred to the Committees on the Judiciary, Energy and Commerce, Foreign Affairs, Education and the Workforce, Transportation and Infrastructure, Armed Services, Ways and Means, Oversight and Government Reform, Veterans’ Affairs, Natural Resources, Agriculture, Financial Services, Homeland Security, and the Permanent Select Committee on Intelligence and ordered to be printed (H. Doc. 115–5). **Page H374**

**Quorum Calls—Votes:** Three yea-and-nay votes and eleven recorded votes developed during the proceedings of today and appear on pages H321–22, H322, H322–23, H364, H365, H365–66, H366, H367, H367–68, H368, H369, H369–70, H371, and H371–72. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 8:19 p.m.

## Committee Meetings

### ORGANIZATIONAL MEETING

*Committee on House Administration:* Full Committee held an organizational meeting for the 115th Congress. The committee adopted its rules, oversight and authorization plan, and parking plan for the 115th Congress.

## Joint Meetings

No joint committee meetings were held.

### COMMITTEE MEETINGS FOR THURSDAY, JANUARY 12, 2017

(Committee meetings are open unless otherwise indicated)

#### Senate

*Committee on Armed Services:* to hold hearings to examine the nomination of James N. Mattis, to be Secretary of Defense; to be immediately followed by a business meeting to consider legislation to provide for an exception to a limitation against appointment of persons as Secretary of Defense within seven years of relief from active duty as a regular commissioned officer of the Armed Forces, 9:30 a.m., SD–G50.

*Committee on Banking, Housing, and Urban Affairs:* to hold hearings to examine the nomination of Benjamin Carson, of Michigan, to be Secretary of Housing and Urban Development, 10 a.m., SD–538.

*Committee on Foreign Relations:* business meeting to consider S. Res. 6, objecting to United Nations Security Council Resolution 2334 and to all efforts that undermine direct negotiations between Israel and the Palestinians for a secure and peaceful settlement, 12 noon, S–116, Capitol.

*Select Committee on Intelligence:* business meeting to consider the Intelligence Authorization Act of Fiscal Year 2017, Time to be announced, S–216, Capitol.

Full Committee, to hold hearings to examine the nomination of Mike Pompeo, of Kansas, to be Director of the Central Intelligence Agency, 10 a.m., SH–216.

Full Committee, to hold closed hearings to examine the nomination of Mike Pompeo, of Kansas, to be Director of the Central Intelligence Agency, 1 p.m., SH–219.

#### House

*Committee on Armed Services,* Full Committee, organizational meeting for the 115th Congress; hearing on consideration of General James N. Mattis, USMC, Ret., for a legal exception for appointment as the U.S. Secretary of Defense; and markup on H.R. 393, to provide for an exception to a limitation against appointment of persons as Secretary of Defense within seven years of relief from active duty as a regular commissioned officer of the Armed Forces, 1 p.m., 2118 Rayburn.

*Committee on Ways and Means,* Full Committee, organizational meeting for the 115th Congress, 3 p.m., 1100 Longworth.



*Next Meeting of the SENATE*

12:30 p.m., Thursday, January 12

*Next Meeting of the HOUSE OF REPRESENTATIVES*

10 a.m., Thursday, January 12

## Senate Chamber

**Program for Thursday:** Senate will be in a period of morning business.

## House Chamber

**Program for Thursday:** Consideration of H.R. 238—Commodity End-User Relief Act. Consideration of H.R. 78—SEC Regulatory Accountability Act.

## Extension of Remarks, as inserted in this issue

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# Congressional Record

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